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the first time I have seen a man who has been so
badly beaten up as to be unable to stand upright.
He was lying on his back on the floor of the
cellar, his head down, his hands behind his head,
and his body bent over. He was bleeding from
the nose and ears, and his clothes were torn
and stained with blood. He was unconscious, and
I could not get him to respond to my questions.
I called for a doctor, and he arrived shortly
afterwards. The doctor examined the man and
determined that he had suffered a severe head
injury, possibly from a fall or a blow to the head.
He was given medical attention and was taken
to a hospital for further treatment.

discovered to contain a large number of small, irregularly shaped, yellowish-green, granular, and somewhat translucent bodies, which were easily dislodged from the surface of the rock.

C H A P. I.

An Act for Granting and Continuing to His Majesty, an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein Mentioned.

WE Your Majestys most Dutiful and Loyal Subjects, The Commons of Ireland, in Parliament Assembled; having a just Sense of Your Royal Care, for the Prosperity of all Your Subjects, and well knowing that the Security of this Your Realm, and the Continuance of the many Blessings We Enjoy under Your Mild and Auspicious Reign, depends on the Support of Your Majestys Government, Do most humbly beseech Your Majestys that it may be Enacted;

II. Be it therefore Enacted by the King's Most Excellent Majestys, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the several and respective Duties and Impositions on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, which, in and by an Act of Parliament, Made and Passed in the First Year of Your Majestys Reign [Intituled, An Act for Granting to His Majesty, An Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein mentioned; And also, a Tax on Salaries, Profits of Employments, Fees and Pensions; And for securing the Repayment of Fifty Thousand Pounds Sterl. formerly advanced to His late Majesty for the Use of the Publick, together with the Interest thereof] were granted unto Your Majestys, or Chargeable in Manner therein Mentioned, from the Twenty Fifth Day of March, One thousand seven hundred Twenty and eight, to the Twenty Fifth Day of December, One thousand seven hundred twenty and nine, inclusive; and which, by one other Act, Made and Passed in the Third Year of Your Majestys Reign [Intituled, An Act for Granting and Continuing to His Majesty an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, there-

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in Mentioned] were Continued until the Twenty fifth Day of December, in the Year of Our Lord One thousand seven hundred thirty and one, inclusive; And which were further Granted and Continued from Time to Time by subsequent Acts of Parliament made in this Kingdom, until the Twenty fifth Day of December, in the Year of Our Lord One thousand seven hundred thirty and nine, inclusive; Be further Granted, Continued, Raised, Collected, Levied and Paid unto Your Majesty, Your Heirs and Successors, from the said Twenty fifth Day of December, One thousand seven hundred thirty and nine, until the Twenty fifth Day of December, One thousand seven hundred forty and one, inclusive.

III. And be it further Enacted by the Authority aforesaid, That All and Singular the said Duties hereby Granted and Continued, shall be Raised, Levied, Collected and Paid unto Your Majesty, Your Heirs and Successors, during the Time aforesaid, over and above all other Duties payable for the same, by Virtue of an Act made in this Kingdom, in the Fourteenth Year of the Reign of King Charles the Second, [Intituled, An Act for the Settling of the Excise or New Impot, upon His Majesty, His Heirs and Successors, according to the Book of Rates, therein Inserted] or by Virtue of one other Act, made in the said Fourteenth Year of the Reign of the said King Charles the Second, [Intituled, An for Settling the Subsidy of Poundage, and granting a Subsidy of Tunnage, and other Sums of Money, unto His Royal Majesty, His Heirs and Successors, the same to be Paid upon Merchandizes Imported and Exported into, or out of the Kingdom of Ireland, according to a Book of Rates hereunto annexed]

IV. Provided always And be it further Enacted by the Authority aforesaid, That if the said Wines, Strong-Waters, Spirits perfectly Made, and Spirits Made and Distilled of Wine and Brandy, or Spirits above Proof, upon which the said Additional Duties are Charged, shall, after Payment thereon, or Security given for the same, be again Exported by any Merchant or Merchants, That is, or are a Subject or Subjects of this Realm, or any other His Majesty's Dominions, within Eighteen Months, or by Merchants Strangers, within twelve Months, after the Importation thereof, and due Proof first Made, by Certificate from the proper Officer of the due Entry of such Wines, Strong-Waters, Spirits perfectly Made, and Spirits Made and Distilled of Wine, Brandy, or Spirits above Proof, and of the Payment of the said Additional Duties hereby Granted and Charged thereon, or Security being given for the same, and

and that all other Requisites have been Performed, which are by Law Required to be Performed, in Cases where the Duties of Excise are to be Repaid, by Virtue of the before mentioned Act [Intituled, An Act for the Settling of the Excise or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates, therein Inserted] That then the said Additional Duties, shall, without any Delay or Reward, be Repaid or Allowed unto such Merchant or Merchants, so Exporting the same, within One Month after Demand thereof, or the Security for the said Additional Duties, by this Act Charged, shall be Vacated or Discharged as to so much as shall be so Exported; Any Thing herein contained to the contrary notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That for the better Levying and Collecting the several Rates and Duties hereby Granted, and also for a further Supply to Your Majesty, all and every the Gules, Directions, Powers and Authorities, Clause or Clauses, Relating to the Brewers Miring their Beer and Ale, and Distillers Distilling of Strong-Waters, and for Preventing the Miring of Small Worts with Strong Ale or Beer, after the Gauger hath taken the Gauge thereof, and for Empowering Gaugers to take an Account of all Wash and Low Wines in Distillers Hands, the better to ascertain the Quantity of Aquavite, Strong-Waters and Spirits by them Distilled, and all Penalties and Forfeitures Arising thereby and therefrom, Given, Granted or Enacted in and by an Act passed in the Fourth Year of the Reign of His Late Majesty King George the First of Glorious Memory, [Intituled, An Act for Continuing to His Majesty an Additional Duty on all Wines and Strong-Waters, and Spirits perfectly Made, and upon all Spirits Made and Distilled of Wine; And also a Tax on all Salaries, Profits of Employments, Fees and Pensions, therein mentioned; And for Granting a further Additional Duty on Ale, Beer and Strong-Waters, and Spirits perfectly Made, and upon all Spirits Made and Distilled of Wine; And for Securing the Re-payment of Fifty Thousand Pounds Sterling, formerly Advanced to His Majesty for the Use of the Publick, together with the Interest thereof] which were to Continue from the Twenty-first Day of November, One thousand seven hundred and seventeen, until the Twenty-first Day of November, One thousand seven hundred and nineteen, inclusive; And which were further Granted and Continued from Time to Time, by divers Acts of Parliament Made in this Kingdom, until the Twenty-fifth Day of December, One thousand seven hundred and thirtynine, inclusive; Shall be, and continue in full Force, from the

CHAP. the Twenty fifth Day of December, One thousand seven hundred and thirty nine, until the Twenty fifth Day of December, which will be in the Year of Our Lord, One thousand seven hundred and forty one, inclusive.

I. VI. And be it further Enacted by the Authority aforesaid, That for a further Supply to Your Majesty, the further Additional Duty of Twenty Shillings Sterling, on every hundred Weight of Molasses, and the further Additional Duty of Twenty Shillings Sterling, on every hundred Weight of Treacle, which, in and by the said Act of Parliament, made in the First Year of Your Majesty's Reign, were Granted unto Your Majesty, from the Twenty fifth Day of March, which was in the Year of Our Lord One thousand seven hundred Twenty and Eight, until the Twenty fifth Day of December, One thousand seven hundred Twenty and nine, inclusive, and which were further Granted and Continued unto Your Majesty, from Time to Time by other Acts of Parliament, made in this Kingdom from the said Twenty fifth Day of December, One thousand seven hundred and Twenty nine, until the Twenty fifth Day of December, One thousand seven hundred and thirty nine inclusive, be further Granted, Continued, Collected, Levied and Paid unto Your Majesty, Your Heirs and Successors, from the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, until the Twenty fifth Day of December, One thousand seven hundred and forty one, inclusive.

VII. And be it further Enacted by the Authority aforesaid, That for a further Supply to Your Majesty, an Additional Duty of Six Pence per Yard for all Foreign Stuffs, called Romalls, and all Manufactures Made of Cotton, or of Cotton and Linnen Mixed, whether Plain, Painted or Stained, which shall be Imported into this Kingdom from any Parts abroad; (Except the Manufactures of Great Britain) And also, an Additional Duty of Six pence per Yard, over and above the present Duties, for all Cambricks not of the Manufacture of Great Britain, which shall be Imported into this Kingdom, Exceeding a Yard Wide; Shall be Laid, Levied, Collected, and Paid to Your Majesty, Your Heirs and Successors, from the Twenty fifth Day of December, One thousand seven hundred and Thirty nine, to the Twenty fifth Day of December, One thousand seven hundred and forty one, inclusive.

VIII. And be it further Enacted by the Authority aforesaid, That the said Additional Rates and Duties on Coffee, Tea, Chocolate and Cocoa-Nuts, and all Money Arising thereby, Shall be Paid to the Trustees Appointed for the Management of the Hempen and Flaxen

Flaxen Manufactures of this Kingdom, to be by them applied to Encourage and Support the said Manufactures, and the Trade thereof, in this Kingdom.

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IX. And be it further Enacted by the Authority aforesaid, That all and every the several and respective Additional Duties hereby Granted or Continued, shall be Raised, Answered, Collected, and Paid unto Your Majesty, Your Heirs and Successors, during the Term aforesaid, at the same Time, and in like Manner, and by such Ways, Means and Methods, and by such Rules and Directions, and under such Penalties and Forfeitures, and with such Powers, as are Appointed, Directed and Expresssed in and by the said Act, Made in this Kingdom in the Fourteenth Year of the Reign of King Charles the Second, [Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates, therein inserted] or by any other Law now in Force, Relating to the Revenue or Excise in this Kingdom, as Fully and Effectually, to all Intentions and Purposes, as if the same were particularly Mentioned, Expresssed, and Enacted again in the Body of this present Act; with like Remedy of Appeal to and for the Party grieved, as in and by the said Act of Excise, or any other Law now in being, Relating to the Duties of Excise, is Provided.

X. And be it further Enacted by the Authority aforesaid, That the Sixpence per Pound, and all other Fees which shall or may be Payable to the Vice-Treasurer, or Vice-Treasurers, Pay-Master or Receiver-General, for, on Account of, or out of the Aids hereby Granted unto Your Majesty, other than, and Except such Part thereof, as is herein after Appointed to be paid to the Trustees of the Hempen and Flaxen Manufactures of this Kingdom, shall be Received by the said Vice-Treasurer or Vice-Treasurers, Receiver or Pay-Master General, for the Use of Your Majesty, Your Heirs and Successors, during the Term aforesaid, And shall be duly Accounted for by him or them, to Your Majesty, Your Heirs and Successors, as a further and Additional Aid hereby Given and Granted.

XI. And be it further Enacted by the Authority aforesaid, That the several Sums hereafter mentioned, be Paid out of the aforesaid Additional Duties and Aids Granted and Continued to Your Majesty by this Present Act, to Persons herein after mentioned, (that is to say) The Sum of Two thousand Pounds per Annum, for Two Years, from the Twenty-fifth Day of December,

CHAP. I. cember, One thousand seven hundred thirty and nine, to the Twenty fifth Day of December, One thousand seven hundred forty and one, inclusive, to the Trustees Appointed for the Management of the Hempen and Flaren Manufactures of this Kingdom, for Encouraging the Raising of sufficient Quantities of Hemp and Flar in this Kingdom; Also the further Sum of Two thousand Pounds per Annum for Two Years, from the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, to the said Twenty fifth Day of December, One thousand seven hundred and forty one, inclusive, to the said Trustees Appointed for the Management of the Hempen and Flaren Manufactures of this Kingdom, for the further Encouragement of the said Hempen and Flaren Manufactures in the Provinces of Leinster, Munster, and Connaught, Freed and Discharged, from the Payment of the Six Pence per Pound, and all other Fees which shall or may be Payable to the Vice-Treasurer, Receiver, or Pay-Master General of this Kingdom, Clerk of the Pells, or any other Officer or Officers of this Kingdom: Also the Sum of Three hundred Pounds Sterl. to Agmondisham Vesey, Esquire, Accompant-General, as a Reward for his Expence and Trouble, in Preparing and Stating the Publick Accompes of the Nation, Laid before the House of Commons this Session of Parliament: Also the Sum of Two hundred Pounds to Isaac Ambrose, a Clerk of the House of Commons, as a Reward for his Attendance and Service this Session of Parliament; Also the Sum of Three hundred Pounds to Burdet Worthington, a Clerk of the House of Commons, as a Reward for his Attendance and Service this Session of Parliament; Also the Sum of Two hundred Pounds to John Ker, Clerk-Assistant, as a Reward for his Attendance and Service this Session of Parliament; Also the further Sum of Fifty Pounds to the said John Ker, as a Recompence for his extraordinary Attendance, on the Committee of Privileges and Elections, the First Session of this present Parliament; Also the Sum of Three hundred Pounds Sterl. to Richard Povey, Serjeant at Arms, as a Reward for his Attendance and Service this Session of Parliament; Also the further Sum of One hundred Pounds to the said Richard Povey, as a Reward for his extraordinary Attendance, on the said Committee of Privileges and Elections, the First Session of this Parliament; the Sum of Two hundred and fifty Pounds to Joseph Landers and Boyle Browne, the Clerks Attending the Committee of Accounts, and other Committees, as a Reward for their Attendance and Service

Service this Session of Parliament, to be Equally Divided between them; The Sum of Eighty Pounds to John Green and James Savage, Door-keepers of the House of Commons, as a Reward for their Attendance and Service this Session of Parliament, to be Equally divided between them; The Sum of One hundred and Twelve Pounds to Samuel Fairbrother for Printing the Publick Accounts Laid before the House of Commons this Session of Parliament; Also to Hugh Boyd of Ballycastle, in the County of Antrim, Esquire, the Sum of five thousand Pounds, to Complete a sufficient Harbour at the Colliery of Ballycastle, Subject to Account, and upon the same Terms that the like Sum of Five thousand Pounds was Granted to him the last Session of Parliament, pursuant to his Recognition; Also the Sum of Four thousand Pounds, to the Governor and Company for Carrying on the Cambwick Manufacture in Dundalk or elsewhere, in the Kingdom of Ireland; And also the Sum of Five hundred Pounds, to Enable Lieutenant Samuel Chaplin, to Prosecute the Discovery he has made of a Whale-Fishery, on the West Coast of this Kingdom, to be Paid unto the Right Honourable William Conolly Esquire, Colonel Henry Conyngham, Colonel John Folliot, Arthur Dobbs, Esquire, George Knox, Esquire, Captain John Folliot, David Bindon, and Arthur Gore, Esquires; To be by them, or any Three of them, from Time to Time Paid to the said Lieutenant Samuel Chaplin, as they shall think fit for Carrying on the said Fishery: All which said several Sums are to be Paid by the Vice-Treasurer or Receiver-General of this Kingdom, without any further or other Warrant to be Sued for, Had or Obtained in that Behalf.

C H A P. II.

An Act for Granting to His Majesty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned, or Laquered Ware, and Vinegar; And also, a Tax of Four Shillings in the Pound, on all Salaries, Profits of Employments, Fees and Pensions, to be applied to Pay an Interest of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thousand Pounds, or such Part thereof, as shall remain Unpaid on the Twenty fifth Day of December, One thousand seven hundred and thirty nine, and towards the Discharge of the said Principal Sum.

WHICH, in Pursuance of an Act of Parliament Made and passed in the Fifth Year of Your Majesty's Reign [Intituled, An Act for Granting to His Majesty, a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar; And also, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees and Pensions, to be Applied to Pay an Interest of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thousand Pounds, and towards the Discharge of the said Principal Sum] Orders or Receipts were Issued out of Your Majesty's Treasury for the Sum of Three hundred thousand Pounds, bearing an Interest at the Rate of Five Pounds *per Cent. per Annum*.

II. And whereas, the several Aids and Duties thereby Granted to Your Majesty, were, by one other Act Made and Passed in the Seventh Year of Your Majesty's Reign [Intituled, An Act for Granting to His Majesty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar; And also, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees, and Pensions, to be Applied to Pay an Interest of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred Thousand Pounds, or such Part thereof, as shall remain Unpaid on the Twenty fifth Day of December, One thousand seven hundred and thirty three, and towards the Discharge of the said Principal Sum] Continued until the Twenty fifth Day of

of December, One thousand seven hundred thirty and CHAP.
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III. And whereas, the said several Aids and Duties thereby Granted to Your Majesty, were by One other Act Made and Passed in the Ninth Year of Your Majesty's Reign [Intituled, An Act for Granting unto His Majesty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Lacquered Ware, and Vinegar; And also, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees, and Pensions, to be applied to Pay an Interest of Five Pounds per Cent. per Annum, for the Sum of Three hundred thousand Pounds, or such Part thereof, as shall remain Unpaid on the Twenty Fifth Day of December, One thousand seven hundred and thirty five, and towards the Discharge of the said Principal Sum] Continued until the Twenty fifth Day of December, in the Year of Our Lord, One thousand seven hundred thirty and seven, inclusive, for the Payment of the said Three hundred thousand Pounds and Interest, or such Part thereof as remained Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty five.

IV. And whereas, the said several Aids and Duties thereby Granted to Your Majesty, were by One other Act Made and Passed in the Eleventh Year of Your Majesty's Reign [Intituled, An Act for Granting to His Majesty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Lacquered Ware, and Vinegar; And also, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees, and Pensions, to be Applied to Pay an Interest of Five Pounds per Cent. per Annum, for the Sum of Three hundred thousand Pounds, or such Part thereof, as shall remain Unpaid on the Twenty fifth Day of December, One thousand seven hundred and thirty seven, and towards the Discharge of the said Principal Sum] Continued until the Twenty fifth Day of December, in the Year of Our Lord, One thousand seven hundred thirty and nine, inclusive, for the Payment of the said Three hundred thousand Pounds and Interest, or such Part thereof as remained Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty seven.

V. And whereas, the several Aids and Duties thereby Granted to Your Majesty, have not proved Sufficient to Pay and Discharge the said Three hundred thousand Pounds, and Interest, or such Part thereof, as remained Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty seven, but the greatest Part of the said Principal Sum

CHAP. of Three hundred thousand Pounds will remain Unpaid and Unsatisfied, on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine.

VI. Be it therefore Enacted by the King's Most Excellent Majestie, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the said Sum of Three hundred thousand Pounds, or for so much thereof as shall remain Unpaid on the said Twenty fifth Day of December, in the Year of Our Lord One thousand seven hundred and thirty nine, there shall be Paid at the Receipt of Your Majestie's Exchequer, by the Hands of the Vice-Treasurer or Pay-Master General, Vice-Treasurers or Pay-Masters General, his or their Deputy or Deputies, at the End of every Six Calendar Months, from the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, to the Person or Persons who have Paid or Lent the same, his, her or their Executors, Administrators, or Assigns, an Interest according to the Rate of Five Pounds per Cent per Annum, without any Fee or Charge, and free from all Deductions, Defalcations and Abatements whatsoever, from and after the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, until such Time as they be respectively Paid their Principal Money at one entire Payment.

VII. And be it further Enacted by the Authority aforesaid, That such Person or Persons who shall be Intituled to any Part of the said Sum of Three hundred thousand Pounds, which shall be Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, and shall not be willing to Continue the same at the Interest of Five Pounds per Cent. per Annum, shall, upon the Assignment of their unsatisfied Orders or Receipts to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, be Paid the Principal Sum so due to them on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, and all Interest then due thereon; And the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall and may Assign such Receipts or Orders to such Person or Persons who shall Advance the Principal Money due thereon; Which Receipts or Orders so to be Assigned by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall Intitle the Assignees thereof

of to the Principal Money due thereon, and to all Interest to grow due for the same from the Dates of such Assignments respectively.

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VIII. And be it further Enacted by the Authority aforesaid, That all and every Person or Persons to whom such Orders or Receipts for the said Sum of Three hundred thousand Pounds, or any Part thereof, have been given, his, her or their Executors, Administrators or Assigns, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum due upon such Orders or Receipts, which Indorsements, upon Notice to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, and an Entry or Memorial thereof made in the said Vice-Treasurers Office (which the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall, upon Request, without Charge, Fee or Reward, Make accordingly, and shall, on Request, permit the same to be Viewed at the usual Office Hours, without Fee or Reward) shall Intitute the Indorsee or Assignee, his or her Executors, Administrators and Assigns, to the sole Benefit of the Sum so Transferred or Assigned; And that the said Order or Receipt may in like Manner be Assigned or Transferred by such Assignee, his or her Executors, Administrators or Assigns, and so eties quotes; And that after such Assignment it shall not be in the Power of the Person or Persons who made such Assignment, to make Void Release or Discharge the said Assignment, or to Discharge or Receive the Sum thereby Transferred or Assigned or any Part thereof,

IX. And to the End and Intent, that the Interest of the said Sum of Three hundred thousand Pounds, or so much thereof as shall remain Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirtynine, after the Rate of Five Pounds per Cent. per Annum, may be duly and regularly Paid Half Yearly, according to the true Intent and Meaning of this Act;

X. Be it further Enacted by the Authority aforesaid, That from and after the Twenty fifth Day of December, which shall be in this present Year of Our Lord, One thousand seven hundred and thirty nine, there shall be throughout this Your Majestys Kingdom of Ireland, Raised, Levied, Collected, and Paid to Your Majesty, until the Twenty fifth Day of December, One thousand seven hundred and forty one, inclusive, and no Longer, over and above the Rates and Duties already Papable for the same, and over and above the

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II. to Your Majesty this present Session of Parliament
 by an Act Intituled, An Act for Granting and Continuing
 to His Majesty an Additional Duty on Beer, Ale, Strong-Wa-
 ters, Wine, Tobacco, and other Goods and Merchandizes, there-
 in mentioned, the several further new Additional Rates
 and Duties herein after Mentioned (That is to say)
 One Pound Thirteen Shillings per Tun for, and
 upon all Sorts of Wines of the Growth of Portugal,
 and Three Pounds per Tun for, and upon all other
 Sorts of Wine, that shall be Imported into this
 Kingdom from the laid Twenty fifth Day of December,
 One thousand seven hundred and thirty nine, to the
 Twenty fifth Day of December, One thousand seven
 hundred and forty one, inclusive, and so Proportion-
 ably for a Greater or Lesser Quantity; And also the
 Sum of Two Shillings and Six Pence per Pound
 Weight for, and upon all Manufactures Made of
 Silk (Except the Manufactures of Great Britain, China,
 Persia, or the East-Indies) that shall be Imported into
 this Kingdom, During the Time aforesaid; And
 also, One Half-Penny per Pound-Weight for, and
 upon all Hops, that shall be Imported into this King-
 dom, During the Time aforesaid; And also Five
 Pounds per Cent. for, and upon all China, Earthen,
 Japanned or Lacquered Ware, that shall be Imported
 into this Kingdom, during the Time aforesaid, as Val-
 ued or Rated for Custom by the Book of Rates Annex-
 ed to an Act Made in the Fourteenth Year of the Reign of
 King Charles the Second in this Kingdom, Intituled, An
 Act for Settling the Subsidy of Poundage, and Granting a Subsidy
 of Tunnage, and other Sums of Money, unto His Royal Majesty,
 His Heirs and Successors, the same to be Paid upon Merchan-
 dizes Imported and Exported into, or out of the Kingdom of
 Ireland, according to a Book of Rates hereunto annexed; And
 also, Twenty Shillings per Tun for, and upon all
 Sorts of Vinegar, that shall be Imported into this
 Kingdom, During the Time aforesaid; And so Pro-
 portionably for a Greater or Lesser Quantity.

XI. Provided always, And be it further Enacted by
 the Authority aforesaid, That if any of the said
 Goods and Merchandizes on which the said Addi-
 tional Duties are Charged, shall, after Payment there-
 of, or Security given for the same, be again Exported
 by any Merchant or Merchants, that is or are a Sub-
 ject or Subjects of this Realm, or any other his Ma-
 jesty's Dominions, within Eighteen Months, or by
 Merchant-Strangers within Twelve Months, after
 the Importation thereof, and due Proof first Made by
 Certificate from the proper Officers, of the due Entry
 of

of the Goods and Merchandizes hereby Charged with the said Duties, and of the Payment of the Additional Duties hereby Granted and Charged thereon, or Security having been Given for the same, and that all other Requisites have been Performed which are, by Law, Required to be Performed, in Cases where the Duties of Excise are to be Repaid, by Virtue of an Act Made in this Kingdom in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein Inserted] that then the said Additional Duties shall, without any Delay, be Repaid or Allowed unto such Merchant or Merchants so Exporting the same, within One Month after Demand thereof, or the Security for the said Additional Duties hereby Charged shall be Vacated or Discharged, as to so much as shall be so Exported; Any Thing herein Contained to the Contrary notwithstanding.

XII. And be it further Enacted by the Authority aforesaid, That all and every the several and respective Additional Duties hereby Granted, shall be Raised, Answered, Collected, and Paid unto Your Majesty, Your Heirs and Successors, During the Time aforesaid, at the same Time, in like Manner, and by such Ways, Means and Methods, and by such Rules and Directions, and under such Penalties and Forfeitures, and with such Powers, as are Appointed, Directed and Expresed, in and by the said Act, Made in this Kingdom in the Fourteenth Year of King Charles the Second [Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted] or by any other Law now in Force, Relating to the Revenue of Excise, in this Kingdom, as Fully and Effectually, to all Intents and Purposes, as if the same were herein Particularly Mentioned, Expresed and Enacted again, with like Remedies of Appeal to and for the Party Grieved, as in and by the said Act of Excise, or any other Law now in Force, Relating to the Duties of Excise, is Provided.

XIII. And be it further Enacted by the Authority aforesaid, That all and every Person and Persons, who shall have, upon the said Twenty fifth Day of December, One thousand seven hundred and thirtynine, or who shall have at any Time, between the said Twenty fifth Day of December, One thousand seven hundred and thirtynine, and the Twenty fifth Day of

CHAP. of December, One thousand seven hundred and forty one
 inclusive, any Salary, Profits of Employments, Fees
 or Pensions, in this Kingdom, shall Pay unto Your
 Majestie the full Sum of Four Shillings, Sterling, out
 of every Twenty Shillings a Year, which he, she or
 they, so or shall Receive, or be Entitled unto, by
 Reason of such Salaries, Profits of Employments,
 Fees or Pensions, over and above the Charges and
 Expences of Executing the said Employments, unless
 such Person or Persons do, or shall Live and actu-
 ally Resside within this Kingdom, for and during the
 Space of Six Calendar Months at least in each of
 the said Years; Which said Tax, or Duty, of Four
 Shillings, Sterl. out of every Twenty Shillings a
 Year, as aforesaid, out of such respective Salaries and
 Pensions, shall be Stopped and Deducted yearly,
 during the Time and Term aforesaid, by the Vice-
 Treasurer, Pay-Master and Receiver General of Your
 Majestie's Revenue, or by such Person or Persons,
 who is, or are to Pay the same; And which said Tax
 of Four Shillings in the Pound, to be Stopped and
 Deducted as aforesaid, by the Person or Persons, who
 are to Pay the said Salaries, shall be by him, or them,
 Paid to the Vice-Treasurer or Vice-Treasurers, his or
 their Deputy or Deputies, to be Accounted for to Your
 Majestie; And also, that the said Tax of Four Shil-
 lings in the Pound, to be Stopt or Deducted out of the
 Profits, and Fees of any Person or Persons, so Absent,
 as aforesaid, shall be Stopped by the respective Deputy
 and Deputies of such Person and Persons so absent,
 as aforesaid, and Paid by them to the said Vice-Trea-
 surer or Vice-Treasurers, his or their Deputy or De-
 puties, to be Accounted for to Your Majestie; And
 that such Deputy or Deputies shall, within one Ca-
 lendar Month after such Tax shall become Due, Give
 in upon Oath, an Account, before the Lord Chief
 Baron, or any of the Barons of the Exchequer, or any
 Two Justices of the Peace, of the Net Profits of such
 Employment or Employments, for which such Deputy
 or Deputies are or shall be Accountable to their
 Principals; Which Account, such Person or Persons,
 to whom the same shall be Given, upon Oath, as afore-
 said, shall forthwith Send to the said Vice-Treasurer
 or Vice-Treasurers, his or their Deputy or Deputies;
 And in Case such Deputy or Deputies shall Omit or
 Neglect to Give in, upon Oath, such Account, within
 the Time herein before, for that Purpose Appointed,
 such Deputy or Deputies Neglecting or Omitting the
 same, from the Time of such Omission or Neglect, shall
 be incapable of Executing or Holding such Deputati-
 on,



on, and shall also Forfeit the Sum of One hundred Pounds Sterling, to be Recovered by Bill, Plaintiff or Information, in any of His Majesty's Courts of Record at Dublin, One Moiety thereof to the Use of His Majesty, and the other Moiety to such Person or Persons, who shall Sue for the same; In which Suit no Esquire, Protection, Wager of Law, or more than one Impariment, shall be Allowed.

XIV. And be it further Enacted by the Authority aforesaid, That the Secretary or Secretaries of the Commissioners of Your Majesty's Revenue, the Agent and Agents of the several Regiments, upon the Establishment of this Kingdom, and the Agent and Agents of the several Persons, who are Intitled to Receive any Salaries or Pensions upon Your Majesty's Establishment, shall respectively on or before the last Day of February, Yearly, Deliver in upon Oath (which Oath the said Lord Chief Baron, or any One of the Barons, of Your Majesty's Court of Exchequer, or any Two Justices of the Peace, are hereby Required and Empowered to Administer) to the best of their Knowledge, a List or Account of such of the Officers of the Revenue, and the Officers of the laid Regiments, of the Degree of a Field Officer, and of the Person or Persons, who are Intitled to receive any such Salaries or Pensions, who shall have been Absent, and Out of this Kingdom, for Six Calendar Months in the Year, Ending the Twenty fifth Day of December, next Preceding; And in Case such Secretary or Secretaries, Agent or Agents, shall Refuse or Neglect to Deliver in such Lists respectively, he or they shall be Disabled from Holding and Enjoying the said Office of Secretary or Secretaries, or from being Agent or Agents.

XV. Provided always, And be it further Enacted, and Declared, by the Authority aforesaid, That this Act shall not extend to Charge the said Tax or Duty of Four Shillings, Sterling, a Year, on every Twenty Shillings, as aforesaid, upon the Salary, Pension, Fees, or Profits of Employments, Payable to the Lord Lieutenant, or other Chief Governor or Governors of this Kingdom, for the Time being, his or their Secretary or Secretaries; Nor to such Person or Persons, who shall, within One Month after such Tax shall become Payable, be Exempted from the Payment thereof, by His Majesty's Sign Manual, Produced for that Purpose, and Lodged with the Vice-Treasurer or Vice-Treasurers of this Kingdom, or his or their Deputy or Deputies, within One Month after the said Tax shall become Due; Nor to the Officers of such Regiments, as now are, or shall hereafter be Commanded Abroad,

CHAP. on His Majesty's Service; Nor to the Half-Pay Officers on the Establishment of this Kingdom; Nor to the Widows of Officers; Nor to any Officer under the Degree of a Field-Officer.

II. ~~~~~ XVI. And be it further Enacted by the Authority aforesaid, That neither the Six Pence per Pound, nor any other Fees, shall be Payable to, or be Deducted or Received by the Vice-Treasurer, Receiver or Pay-Master General, Clerk of the Pells, or any other Officer or Officers of this Kingdom, for or on Account of, or out of the Aids hereby Granted to Your Majesty; Or of any Payment to be made thereout, in Pursuance of this Act.

XVII. And be it further Enacted by the Authority aforesaid, That the several Duties and Aids, and the said Tax of Four Shillings in the Pound, hereby Granted unto Your Majesty, shall in the First Place be Applied and Paid by the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, to the Discharge of the Interest of the said Sum of Three hundred thousand Pounds, or so much thereof as shall remain Unpaid on the said Twenty fifth Day of December, in the Year of Our Lord, One thousand seven hundred and thirty nine, and that all the Surplus of the said Aids and Duties hereby Granted to Your Majesty, over and above what shall be sufficient to Discharge the said Interest of the said Sum of Three hundred thousand Pounds, or so much thereof as shall be Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, shall be Applied towards the Discharge of the said Principal Sum of Three hundred thousand Pounds, or so much thereof as shall be Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, in Manner herein after Mentioned, (viz.) That when and as often as such Surplus Received by the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall Amount to the Sum of Five thousand Pounds, that then the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall cause the Numbers of all the Receipts or Orders, which shall Remain Unsatisfied on the Twenty fifth Day of December, One thousand seven hundred and thirty nine, and the Sums therein Contained, to be Written on several Tickets or Pieces of Parchment, and to be Roll'd and Sewed up, and Put into a Box or Urn, and well Mixed together, and an Indifferent Person shall Publickly, between the Hours of Ten and

and Twelve in the Forenoon, of a Day to be by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, Publickly Advertized in the Dublin-Gazette for that Purpose, at least Twenty Days before, at the Office of the Vice-Treasurer or Vice-Treasurers, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Five thousand Pounds, and the Person or Persons, the Number of whose Order or Receipt shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Tickets or Pieces of Parchment shall be Drawn, be Paid by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, the Principal Sums to him or them respectively Due, with Interest for the same, at the Rate of Five Pounds per Cent. per Annum, till Paid; and shall, upon Payment thereof, Deliver up his and their several and Respective Orders and Receipts to the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, to be Cancelled, which he or they are hereby Required to Cancel accordingly, and the Interest Payable by Virtue of such Orders or Receipts, shall Cease from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

XVIII. And be it further Enacted by the Authority aforesaid, That if any Part of the said Principal Sum of Three hundred thousand Pounds shall be Due and Unpaid, on the Twenty fifth Day of December, which shall be in the Year of Our Lord, One thousand seven hundred and forty one, the Same shall be well and truly Satisfaction and Paid unto the several and respective Persons, their Executors, Administrators and Assigns respectively, to whom the Same shall be then Due, together with such Interest for the Same, as shall be then Due, at the Rate of Five Pounds, per Cent. per Annum, without any Deduction, Defalcation, or Abatement whatsoever.

XIX. And be it further Enacted by the Authority aforesaid, That from and after the said Twenty fifth Day of December, One thousand seven hundred and thiryp nine, a Separate and Distinct Account shall be kept, by the proper Officers, of the Aids, Duties and Taxes, Granted by this Act, or any other Act of Parliament now in Force in this Kingdom, and Appropriated to particular Uses, and that the Commissioners of His

CHAP. Majestys Revenue, shall Return their Weekly Ab-
stracts from the several Collectors to the Accomptant
General, and that the Accomptant General shall
return a Separate Account of the several Duties
and Taxes so Appropiated, to the Vice-Treasurer or
Vice-Treasurers, his or their Deputy or Deputies;
And that every Collector or Receiver of the said Du-
ties and Taxes, do take a Separate Receipt for the
Same, when Paid into His Majestys Treasury,
which said Receipt, the Vice-Treasurer or Vice-Trea-
surers, his or their Deputy or Deputies, is and are
hereby Required to give Accordingly.

A C T**F O R**

**Continuing and Amending several
Laws heretofore Made, Relating to His Ma-
jesty's Revenue, and the more Effectual Pre-
venting Frauds in His Majesty's Customs and
Excise.**

C H A P. III.

WHENAS the several Statutes herein after mentioned, have been found to be of General Use but are now near Expiring;

II. Be it Enacted by the King's Most Excellent Ma-
jesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons in this Pres-
ent Parliament Assembled, and by the Authority of
the same, That an Act of Parliament Made in this
Kingdom, in the Sixth Year of the Reign of His late
Majesty King George the First, Intituled, An Act for
the more Effectual Preventing the running of Goods, and for the

CHAP.

III.

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further Preventing Frauds Committed in His Majesty's Customs; And One other Act of Parliament made in this Kingdom, in the Twelfth Year of the Reign of His said late Majesty King George the First, Intituled, An Act to Prevent the Fraudulent and Clandestine Importing of Goods; And also such Parts of One other Act of Parliament, Made in this Kingdom, in the Seventh Year of His Present Majesty's Reign, Intituled, An Act for Continuing and Amending an Act, Intituled, *An Act for the more Effectual Preventing several Frauds and Abuses, Committed in His Majesty's Customs and Excise, and for Settling the Rates of certain Goods and Merchandizes, not particularly Valued in the Book of Rates;* And for Continuing and Amending an Act, Intituled, *An Act for the better Securing and Collecting His Majesty's Revenue;* And also, for Preventing Frauds in the Collection thereof, as are not altered by an Act of Parliament Made in this Kingdom, in the Eleventh Year of His present Majesty's Reign, Intituled, An Act for continuing and Amending several Laws heretofore Made, Relating to His Majesty's Revenue, and the more Effectual Preventing the Running of Goods; And also, That Part of One other Act of Parliament, Made in the Ninth Year of His Present Majesty's Reign, Intituled, An Act for Continuing and Amending several Statutes, now near Expiring; Whereby it is Enacted, That where any Goods Exciseable, shall be Unshipped or Landed, out of any Vessel or Boat, not exceeding the Burthen of Twenty five Tuns, not being in Leak or Wreck before due Entry Made of such Vessels or Boats, and of all the said Goods, at the Custom-House or Place Allowed for Landing, where such Vessel or Boat shall happen to Unship or Unlade, or at Unlawful Hours, or without the Knowledge, Privy and Consent of the Proper Officer or Officers, who should have Attended the Unlading of such Goods; All such Vessels and Boats, together with their Tackle and Furniture, shall be Forfeited; Which said Forfeiture may be Sued for and Recovered, in such Manner and Form, as is mentioned in an Act Made in the Fourteenth Year of the Reign of King Charles the Second, Intituled, *An Act for Settling the Excise or New Imposiſt, upon His Majesty, His Heirs and Successors, according to the Book of Rates therem Inserted;* With like Remedy of Appeal: Which Forfeitures, after Necessary Charges first Deducted, shall be, One Moiety thereof to the Use of His Majesty, and the other Moiety to him or them that shall Seize or Sue for the Same: And likewise, such Parts of One other Act of Parliament, Made in this Kingdom, in the First Year of His Present Majesty's Reign, Intituled, An Act for the more effectual Preventing several Frauds and Abuses, Committed in His Majesty's Customs and Excise; and for Settling the

the Rates of certain Goods and Merchandizes, not particularly Valued in the Book of Rates; And such Parts of One other Act of Parliament, Made in this Kingdom, in the Fifth Year of His present Majesty's Reign, Intituled, An Act for the better Securing and Collecting His Majesty's Revenue, as are not Altered or Repealed, by an Act of Parliament made in the Third Year of his Present Majesty's Reign, Intituled, An Act for the Encouragement of Tillage, and better Employment of the Poor; and also, for the more effectual putting in Execution, an Act, Intituled, *An Act to Encourage the Draining and Improving of Boggs and Unprofitable Low Grounds, and for Easing and Dispatching the Inland Carriage, and Conveyance of Goods from one Part to another within this Kingdom;* And also, for Laying several Duties upon Coaches, Berlins, Chariots, Calashes, Chaises and Chairs, and upon Cards and Dice, and upon Wrought and Manufactured Gold and Silver Plate, Imported into, or Made in Ireland, for the Purposes therein Mentioned; And also, for Repealing the Duties Payable upon the Exportation of Wooll, Bay-Yarn and Woollen-Yarn, out of this Kingdom for England; Or by another Act of Parliament Made in the Seventh Year of His Present Majesty's Reign, Intituled, An Act for Continuing and Amending an Act, Intituled, *An Act for the more Effectual Preventing several Frauds and Abuses, Committed in His Majesty's Customs and Excise;* And for Settling the Rates of Certain Goods and Merchandizes not particularly Valued in the Book of Rates; And for Continuing and Amending an Act, Intituled, *An Act for the better Securing and Collecting His Majesty's Revenue;* And also, for Preventing Frauds in the Collection thereof; Or by the said Act Made in the Eleventh Year of His Present Majesty's Reign, Intituled, An Act for Continuing and Amending several Laws heretofore Made, Relating to his Majesty's Revenue, and the more effectual Preventing the Running of Goods; And also the said Act, Made in the Eleventh Year of His Present Majesty's Reign, Intituled, An Act for Continuing and Amending several Laws heretofore Made, Relating to His Majesty's Revenue, and the more effectual Preventing the Running of Goods; Shall be and Remain in full Force, for the Term of Two Years, from the Expiration of the said several Acts, and from thence to the End of the then next Ensuing Session of Parliament.

III. And whereas the Laws heretofore made to prevent Common Brewers of Beer and Ale from altering the Situation and Level of their Coolers, have proved ineffectual for want of convenient Stands commonly called Stages, constantly fit to such Coolers, for the Gaugers and other Officers of Excise,

CHAP. rise, to take the Level of such Coolers, when, and  
III. as often as they shall judge the same Necessary,

IV. For Remedy whereof, Be it Enacted by the Authority aforesaid, That every common Brewer of Beer or Ale, shall, on or before the Twenty Ninth Day of September, which shall be in the Year of Our Lord One thousand seven hundred and forty, Erect and Fix, or cause to be Erected and Fixt, Lengthways from one End to the other of his and their Cooler and Coolers respectively, and through the Center thereof, a Frame or Stage of Wood, at least Twelve Inches in Breadth, and keep the same constantly so Fixt for the Purpose aforesaid, and in Default thereof, shall Forfeit the Sum of Twenty Pounds.

V. And whereas great Frauds are Practised by Common Brewers, Inn-keepers, Victuallers, and Retailers of Beer and Ale, by keeping of Private and Concealed Cellars, and other Places for the Storing of their Beer, Ale, or Worts in Casks, sometimes in their own Houses or Yards, and sometimes in the Houses or Yards of other Persons; To Remedy which Evil,

VI. Be it Enacted by the Authority aforesaid, That every Common Brewer, Inn-keeper, Victualler, and Retailer of Beer and Ale, who shall Have, Keep, or Make Use of any Private and Concealed Cellar or other Place for the Laying or Storing of his Beer, Ale or Worts in Casks, and every other Person or Persons, who shall knowingly Permit or Suffer any of his Houses, Out-houses or Yards to be made Use of, for the Concealing of the Beer, Ale or Worts in Casks of any Common Brewer, Inn-keeper, Victualler, or Retailer of Beer or Ale, shall, for ever Time he or they shall so make Use of or Permit to be made Use of any such Houses, Out-Houses, Yards, Cellars or other Places for the Purposes aforesaid, Forfeit and Lose the Sum of Fifty Pounds Sterling; All which Forfeitures and Penalties shall and may be Sued for, and Recovered, Levied and Applied in such Manner and Form, and by such Ways and Methods, as are Prescribed and Appointed, in, and by an Act of Parliament made in the Fourteenth Year of the Reign of King Charles the Second [ Intituled, An Act for the Settling of the Excise or New Impost, upon His Majesty, His Heirs and Successors,

cessors, according to the Book of Rates, therein Inserted }  
with like Remedies of Appeal to the Party or Par-  
ties that shall think him or themselves Aggrieved  
or Injured, as by the said Act is Provided.

VII. And be it Enacted by the Authority aforesaid, That every Common Brewer, Inn-keeper, Victualler and Retailer of Beer and Ale, shall, on or before the said Twenty Ninth Day of September, enter with the Gauger or other Officer of Excise, of the District within which such Common Brewer, Inn-keeper, Victualler and Retailer of Beer and Ale respectively shall reside, all Cellars, Store-Houses, and Places whatsoever, by them respectively used, for laying up or Storing Beer, Ale or Worts in Casks, and that every Cellar, Store-House and Place what-soever, which shall not be so Entered as aforesaid, or which shall not be so Entered before the same be made Use of, shall be Deemed and Taken to be a Private Cellar or Store-House, within the Meaning of this Act.

VIII. And whereas by an Act of Parliament, made the last Session of this Parliament, Beer or Ale is only to be Sold at Fairs, Assizes, Sessions, or other Places whatsoever, by Persons Licensed in such Manner as by the said Act is Prescribed, which has been found Detrimental to the Revenue, by Reason Beer and Ale Brewed in Publick Breweries, where the Excise is best Paid, is hindred to be Sold at such Publick Places, unless by Persons under License, who generally Brew their own Beer and Ale.

IX. Be it therefore Enacted by the Authority aforesaid, That any Person or Persons, (except such Persons under License, who Brew their own Beer or Ale for Retail) that shall Buy Beer or Ale at any Publick Brewery, and obtain a Certificate from such Brewer, as also from the Gauger of the District, that such Beer or Ale was Brewed in such Publick Brewery, and hath Paid the Excise, that it shall and may be Lawful for such Person or Persons (Except as before Excepted) to Sell the same without License, at any Fair, Assizes, Sessions, Race, or other Publick Meeting, without being Liable to any the Penalties in the said Act contained.

## CHAP.

III. X. Provided always, And be it further Enacted by the Authority aforesaid, That so much of this Act as is not mentioned to be for Continuing any former Act or Acts, Clause or Clauses, shall Continue, and be in Force for Two Years, from the Twenty Ninth Day of September next, and from thence to the End of the then next Session of Parliament, and no Longer.

AN

## C H A P. IV.

An Act for Continuing several Temporary Sta-  
tutes.

W H E N S O M E T H I N G , the several Laws and Sta-  
tutes herein after Mentioned, are found by  
Experience to be of General Use, and fit to  
be Continued.

II. Be it Enacted by the King's Most Excellent  
Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons in  
this present Parliament Assembled, and by the Au-  
thority of the same, That an Act Intituled, An Act  
for the Real Union and Division of Parishes, Made in the  
Second Year of His late Majesty King George the  
First; And also, an Act made in the Tenth Year of  
His said late Majesty, Intituled, An Act for Explain-  
ing and Amending an Act, Intituled, *An Act for the Real Union  
and Division of Parishes*; And for Confirming an Exchange  
Made of a Piece of Ground, whereon the Parish-Church, and  
Vicarage-House of the Parish of St. Anne, in the Suburbs of  
the City of Dublin, was, by a former Act of Parliament, Di-  
rected to be Built, for another Piece of Ground; And for  
Appropriating such other Piece of Ground to the same  
Uses; Both which Acts, by a Subsequent Act of Par-  
liament, were continued to the Twenty Fifth Day  
of March, which shall be in the Year One thousand  
seven hundred and forty, and to the End of the next  
Session of Parliament; And also, An Act, Intitu-  
led, An Act for the better Securing the Rights of Advow-  
son and Presentation to Ecclesiastical Benefices, Made in the  
First Year of His present Majesty; And by a Sub-  
sequent Act continued to the Twenty Fifth Day of  
March, which shall be in the Year One thousand se-  
ven hundred and forty, and to the End of the then  
next Session of Parliament; And also, An Act, In-  
tituled, An Act for the more Effectual Punishing Stealers  
of Lead or Iron Bars fixed to Houses, or any Fences, be-  
longing thereto; And afterwards continued to the  
Twenty Fifth Day of March, which shall be in the  
Year One thousand seven hundred and forty, and to  
the End of the then next Session of Parliament, Be,  
and each of the said Act's herein above Mentioned,  
are hereby Made Perpetual, and to continue in full  
Force, as they now severally Stand for Ever.

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III. And be it further Enacted by the Authority aforesaid, That an Act, Intituled, An Act for the more Speedy and Effectual Repair of Bridges throughout the several Counties of this Kingdom, which was afterwards continued by an Act made in the Fifth Year of His present Majesty; And also, an Act, Intituled, An Act to prevent Frauds and Abuses in Bay-Yarn, exported to Great Britain, Made in the Seventh Year of His present Majesty, and afterwards continued to the First Day of November, which shall be in the Year, One thousand seven hundred forty and One, and from thence to the End of the then next Session of Parliament; And also an Act, Intituled, An Act for the further Improvement and Encouragement of the Fishery of this Kingdom, Made in the Eleventh Year of His present Majesty; And also, one other Act, Intituled, An Act for the more Effectual Preventing and further Punishment of Forgery, Perjury and Subornation of Perjury, and to make it Felony to Steal Bonds, Notes or other Securities for Payment of Money, and for the more Effectual Transporting Felons, Vagabonds, and Others, Passed in the Third Year of His present Majesty; And by an Act for continuing several Temporary Statutes, and for other Purposes therein Mentioned, Passed the Seventh Year of His present Majesty, continued to the Twenty Fifth Day of March, which shall be in the Year of Our Lord, One thousand seven hundred and forty, and to the End of the then next Session of Parliament; And all the above last recited Acts, and every Clause and Provisoe therein contained, so far as the same stand unrepealed, are hereby continued in full Force, to the Twenty Fifth Day of March, which shall be in the Year of Our Lord, One thousand seven hundred and fifty seven, and from thence to the End of the then next Session of Parliament, and no Longer.

IV. And be it further Enacted by the Authority aforesaid, That an Act, Intituled, An Act for the more easie Recovery of Tythes, and other Ecclesiastical Dues of small Value, Made in the First Year of His present Majesty, and continued by several Acts of Parliament, to the Twenty Fifth Day of March, which shall be in the Year, One thousand seven hundred and Forty, and from thence, to the End of the then next Session of Parliament, be further continued and of Force for Four Years, from the said Twenty fifth Day of March, which shall be in the Year, One thousand seven hundred and forty, and from the Expiration of the said Four Years, to the End of the then next Session of Parliament, and no Longer.

1705. 107 CHAP. 111. 1705.

CHAP.

## C H A P. V.

An Act to Continue and Amend An  
Act made in the Ninth Year of the  
Reign of His Present Majesty, In-  
tituled, *An Act for the better Regulating  
of Juries.*

W H E N C A S An Act made in this Kingdom,  
in the Ninth Year of the Reign of His Pre-  
sent Majesty, Intituled, An Act for the better  
Regulating of Juries, hath by Experience been found Use-  
ful and Beneficial, and is now Expiring;

II. Be it Enacted by the King's Most Excellent Ma-  
jesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons in  
this present Parliament Assembled, and by the Au-  
thority of the same, That the said Act and everyp  
Clause therin, Save as is herein after Mentioned,  
Shall be and is hereby Continued to the Twenty-  
Fifth Day of March, which shall be in the Year of  
Our Lord, One thousand seven hundred and forty four,  
and from thence to the End of the then next Session  
of Parliament, and no longer.

III. Provided nevertheless, and be it Enacted by the  
Authority aforesaid, That any Person or Persons, Re-  
turned on a Jury, who have had the View, may be  
Challenged for Just Cause; Any Thing in the said  
former Act, or in this Act to the Contrary in any  
wise notwithstanding.

IV. Provided also, That no Clause in the said Act, shall  
Extend to Enable any Judge or Judges of Assize,  
to Order a less Number than Thirtyn Six, or a greater  
Number than Sixty, on any Venire, to be Returned  
by any Officer who hath the Return of Juries.

1050

Anno Regni Decimo Tertio

CHAP.

V.  
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V. Provided also, And be it Declared and Enacted
by the Authority aforesaid, That whensoever it shall
happen, That a Jury for the Tryal of any Issue or
Inques by Nisi Prius, shall not be Returned by the
Sheriff or Sheriffs, but shall be Returned by the Co-
roner or Coroners, or other Officer or Officers, Le-
gally Appointed, that such Coroner or Coroners, Of-
ficer or Officers, shall Return the same Number of
Jurors, and under the same Qualifications as the
Sheriff by Law is Bound to do, and the Jurors so
Returned shall be Balloted for in the same Man-
ner.

C H A P.

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C H A P. VI.

An Act to Explain, Amend, and Make more effectual an Act, passed in the Seventh Year of the Reign of His late Majesty King William the Third of Glorious Memory, Intituled, *An Act for the better Securing the Government by Disarming Papists.*

W^EBE^EA^S by an Act, Passed in the Se-
venth Year of the Reign of His late Majes-
ty, King William the Third of Glorious Me-
mory, Intituled, An Act for the better Securing the Go-
vernment by Disarming Papists, It is amongst other
Things Enacted, That all Papists within this Kingdom of
Ireland, should before the First Day of March, then next ensu-
ing, Discover and Deliver up to some Justice or Justices of
the Peace, or to the Mayor, Bayliff, or Head Officer of the
County, City, Town-Corporate or Place respectively, where
such Papist then dwelt and resided, all their Arms, Armour and
Ammunition, then in his or their Hands, or Possession, or in
the Hands of any other Person or Persons in Trust for them,
or at their Disposition, notwithstanding any Licence or Permis-
sion for Keeping the same, before Granted; And that from
and after the said First Day of March, One thousand
six hundred and ninety five, it should and might be
Lawful for any Two or more Justices of the Peace,
within the Limis of their Jurisdictions and Authori-
tity, And for all Mayors, Sheriffs, and Chief Of-
ficers of Cities, and Towns Corporate in their Li-
berties, by themselves, or by Warrant or Warrants
under their Hands and Seals respectively, from
Time to Time to Search for, Seize, or Cause to be
Searched for and Seized, and Take into his or
their Custody all such Arms, Armour and Ammu-
nition, as should be Concealed in any House, Lodg-
ing or other Place, where they should Suspect any
such Arms, Armour and Ammunition to be Con-
cealed, and such Arms, Armour and Ammunition,
so Taken or Seized upon Search, and otherwise,
should, by the Person or Persons so Receiving, Ta-
king and Seizing the same, be Preserved for the

CHAP. VI. Use of His said Majesty, His Heirs and Successors, and the said Persons should Return a True and Particular Account thereof, to the Lord Deputy, or other Chief Governor or Governors of this Kingdom, for the Time being, to the End the same might be Brought into His Majesty's Stores of War, to be Disposed of as he or they should think fit.

II Provided nevertheless, That no such Search or Searches, should be made in any such House, Houses or Lodgings, Save only, between the Rising and Setting of the Sun, other than in Cities and their Suburbs, Towns Corporate, Market Towns, and Houses of such Cities and Towns, if it should be thought to be necessary, and the Warrant or Warrants for that Purpose did so Direct and Appoint, and in Case such Justices of the Peace, Mayor, Sovereign, Baplift, or other Chief Magistrate or Officer, of any City or Town Corporate, after such Search made, should find Cause to Suspect, that any such Arms, Armour or Ammunition, remained Concealed and not Seized, they were thereby respectively Impowered and Required, to Cause such Person or Persons as they should Suspect to have Concealed the same, to be brought before him or them, to be Examined upon his or their Corporal Oath, concerning the same.

III And whereas there is good Reason to Suspect that several Persons Contrary to the True Intent and Meaning of the said Law, have Arms, Armour and Ammunition, in their Custody or Power, by means whereof, many Mischiefs may happen if not Speedily Prevented; For Remedy whereof,

IV Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all Justices of the Peace, Mayors, Baplifts, Magistrates and Chief Officers, of Cities and Towns Corporate, within their respective Counties, Cities and Towns, shall and may for ever hereafter, Use and Exercise, all and every the Powers in the said in Part Recited Act, in such Manner as is therein and thereby Directed, and that all Papists shall Discover and Deliver up, to some Justice or Justices of the Peace, or to the Mayor, Baplift, Magistrate or Chief Officer, of the County, City, Town Corporate, or Place where such Papist or such other Persons as aforesaid, shall respectively Dwell and Reside, all Arms, Ar-
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mour and Ammunition, of what kind soever the same be, which are in his, her or their Hands, Possession, Custody or Power, or in the Possession or Custody, of any Person or Persons, to his, her or their Use, or in Trust for him, her or them, or at his, her or their Disposition, notwithstanding any Licence or Permission, for Keeping and Having the same, heretofore Granted; And that all such Persons as are by this present, or any other Law, Declared or are to be Deemed and Taken to be Papists to any Purpose whatsoever, shall before the First Day of July, which shall be in the Year of Our Lord, One thousand seven hundred and forty, Deliver up in like Manner, all such Arms, Armour and Ammunition, as shall be in their Possession, Power or Disposal; And that all Papists and such other Persons as aforesaid, shall for ever thereafter, within the Space of Fourteen Days after he, she or they, shall knowingly get or have, any Arms, Armour or Ammunition, Discover and Deliver up, to some Justice or Justices of the Peace, or to the Mayor, Bayliff, Magistrate or Chief Officer, of the County, City, Town-Corporate, or Place respectively where such Papist, or such other Persons as aforesaid shall Dwell and Reside, all his, her or their, Arms, Armour and Ammunition, that shall be in his, her or their Hands, Possession, Custody, or Power, or in the Hands, Possession or Custody of any Person or Persons in Trust for him, her or them, or at his, her or their Disposition, except such Arms as the Chief Governor or Governors, and Privy Council of this Kingdom shall by Licence Authorize and Licence any Papist to Have and Keep.

V. And be it further Enacted by the Authority aforesaid, That every Papist and other Person as aforesaid, who shall at any Time hereafter, Have or Keep, Carry or Use any Arms, Armour, or Ammunition, not being Licenced, or who shall not respectively Deliver up the same, in Manner as aforesaid, and all and every Person or Persons, who Wittingly, Willingly or Knowingly, shall have any Arms, Armour or Ammunition, to the Use of, or in Trust for any Papist, or for any such other Person as aforesaid, and all and every Person or Persons, who upon Demand or Search made for Arms, Armour, and Ammunition, according to the Direction in this, or the said former Act, shall Conceal, Refuse, or Neglect to Discover, and Give up to the Person or Persons Authorized and Empowered by the said

CHAP. former Act, to Search for, Seize and Demand the
 VI. same, all such Arms, Armour and Ammunition, as
 ~ he, she, or they, or any Person or Persons in Trust
 for him, her, or them, shall Have, or shall Oppose,
 Resist, Lett, Hinder, or in any Wise, Disturb any
 Person or Persons so Impowered, to Search for,
 and Seize the same, and all and every Person and
 Persons, who shall Refuse to be Examined upon his,
 her, or their Corporal Oath, when thereto Requir-
 ed, by any Two Justices of the Peace, or by the
 Mayor, Baillif, Magistrate, or Chief Officer of a-
 ny County, City or Town-Corporate, which Oath
 all and every such Justices of the Peace, and eve-
 ry such Mayor, Magistrate, or Chief Officer, are
 hereby respectively Authorized and Required to Ad-
 minister, concerning the Discovery and Delivery of
 such Arms, Armour and Ammunition, and all and
 every Person and Persons, who being Summoned
 in Writing, Signed by any Two Justices of the
 Peace, or by the Mayor, Baillif, Magistrate or
 Chief Officer, of any County, City or Town Co-
 porate, where the Person so Summoned shall then
 Dwell and Reside, whereof Notice in Writing shall
 be given to him, her or them, or left at his, her, or their
 usual Place of Abode, shall, without reasonable Cause,
 Refuse or Neglect to Appear before such Justices of
 the Peace, or such Mayor, Baillif, Magistrate, or
 Chief Officer, to be Examined as aforesaid; Every
 such Person so offending, in all, or any of the Mat-
 ters aforesaid, shall Forfeit in Manner following
 (That is to say) if such Person be a Peer or Peeress
 of this Realm, he or she being thereof lawfully
 Convicted at the Assizes, or at the Quarter-Sessi-
 ons of the County of Dublin, or County of the Ci-
 ty of Dublin, where the said Offences shall be Com-
 mitted, for the first Offence, shall Forfeit the Sum
 of Three hundred Pounds Sterl. And that all and
 every Person and Persons under the Degree of a
 Peer or Peeress, so Offending, shall for the first
 Offence, being thereof Convicted in Manner afore-
 said, Forfeit the Sum of Fifty Pounds, and shall
 suffer Imprisonment by Order of the said Justices
 respectively, without Bail or Mainprise, for One
 Year, and from thence forward, until he or she shall
 have Paid the said respective Fines, Penalties, and
 Forfeitures; And every Person so Convicted, who
 shall offend a second Time in the Premises, being
 thereof Convicted in Manner aforesaid, shall Incur
 and Suffer all the Penalties and Forfeitures of a
 Person Attainted in a Prevaricature; And the said re-
 spective

specie Sums of Three hundred Pounds, and Fif-
ty Pounds so Forfeited, shall go one Moeny there-
of to His Majesty, His Heirs and Successors, and
the other Moeny to, and amongst such Person or
Persons Prosecuting to Conviction such Offender,
according to the Direction of the Justices, before
whom any such Offender shall be Comitted,

VI. Provided always, And be it Enacted by the
Authority aforesaid, That nothing herein Contain-
ed, shall Extend to Subject any Papist, or such other
Person as aforesaid, to any Penalty or Forfeiture
for Concealing Arms, Armour or Ammunition, who
shall voluntarily before any Information Given,
Discover and Deliver up all his or her Arms, Ar-
mour or Ammunition, to some Justice of the Peace
or Chick Magistrate; Any Thing herein, or in the
said former Act Contained to the Contrary, in any
wise notwithstanding.

VII. Provided also, That this Act, or any Thing
herein Contained, shall not Extend, or be Construe-
d to Extend, to Hinder, or Retain any Noble-
man or Gentleman from Keeping or Using a
Sword, and a Case of Pistols, and a Gun, for the
Defence of his House, or for Fowling, so as such
Nobleman or Gentleman did, before the First Day
of March, which was in the Year of Our Lord,
One thousand six hundred and ninety five, Make
Proof to the Satisfaction of the then Lord De-
puty, or other Chief Governor or Governors, and
the Privy Council of this Kingdom of Ireland, That
he upon the Third Day of October, which was in
the Year of Our Lord, One thousand six hundred
ninety and one, was an Inhabitant or Resident of
Limerick, or some other Garrison, then in the Posse-
ssion of the Irish, or was then some Officer or Sol-
dier then in Arms, under a Commission of the late
King James the Second, or those Authorized under
him, to Grant the same in the Counties of Lime-
rick, Clare, Kerry, Cork, or Mayo, or under their Pro-
tection in the said Counties, or was then a Com-
missioned Officer in His said late Majesty, King
William the Third's Quarters, belonging to the Irish
Regiments then in being, which were Treated with,
not being then a Prisoner of War, nor having be-
fore that Time taken Protection; And that before
the Making the said Act, of the Seventh Year of
the Reign of His late Majesty King William the
Third, he did Return and Submit to His said late
Majesty's Obedience, and hath also Proved as afo-
re-said, that he was upon the said Third Day of Oc-
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CHAP.

VI.

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tober within this Kingdom, and so as such Nobleman or Gentleman hath not at any Time, since the said Third Day of October, upon Tender to him, refused to take the Oath of Allegiance Required to be Taken, by an Act of Parliament in England, Made in the First Year of the Reign of their late Majesties, King William and Queen Mary of blessed Memory, and shall Take the Oath of Allegiance to His present Majesty, when he shall be thereunto Required, or hath Proved as aforesaid, that he was upon the One and Twentieth Day of July, which was in the Year of Our Lord, One thousand six hundred and ninety one, a Gentleman of Estate, then belonging to the Town and Garrison of Galway, but that such Nobleman or Gentleman respectively having so Made Proof, and being Qualified as aforesaid, may Keep and Make Use of a Sword, a Case of Pistols and a Gun, for the Defence of his House or for Fowling, in such Manner as he might have Done, in Case this Act had never been Made; Any Thing herein Contained to the Contrary thereof, in any wise notwithstanding.

VIII. Provided also, That no Person shall be Convicted, or Incur any Penalty upon this Act, for any Offence Committed contrary thereto, upon any Confession or Discovery he, or she shall make, being Examined upon Oath, nor shall any such Examination be given in Evidence against the Person so Examined, unless such Person shall be Indicted, for having Committed wilful Perjury in such Examination; Any Thing herein Contained to the Contrary notwithstanding.

IX. And be it further Enacted by the Authority aforesaid, That when and as often as any Person shall be Prosecuted for any the Offences aforesaid, the Justices before whom such Prosecution shall be then Depending, shall, and are hereby Required and Impowered, to Tender to every such Person so Prosecuted, the Oath of Abjuration, and the Oaths and Declaration, in the said in Part Recited Act Contained and set forth; And if any such Person to whom such Tender shall be made, do Refuse to take the said Oaths, and Repeat the said Declaration, such Refusal shall Amount to full Proof, that such Person is a Papist, and was so at the Time of the Offence Committed.

X. Provided always nevertheless, That though the Person to whom such Tender shall be made, shall take the said Oaths, and Repeat the said Declaration, and Subscribe the same, Yet it shall and may be

be Lawful, to and for the Person or Persons, who shall Prosecute, to give Evidence that the Person Prosecuted at the Time of the Offence Committed, was a Papist, or other such Person as aforesaid. CHAP. VI.

XI. Provided, nevertheless, That if any of the People called Quakers, shall be Charged with any of the Offences aforesaid, upon Proof that such Person is, and hath been One of the People Called Quakers, by producing and proving a Certificate, under the Hands and Seals of Six or more Credible Men of his or her Congregation, Owning him or her to be One of them, and Two of the Subscribers appearing before any Justices before whom such Quaker shall be Tried, such Justices before whom such Quaker shall be Tried, shall not Tender to such Quaker the said Oaths and Declaration; Any Thing herein contained to the contrary notwithstanding, but in the Room thereof, shall Tender to such Quaker the Declarations provided for Quakers, by an Act made in the Eighth Year of the Reign of Her late Majesty Queen Anne, Intituled, An Act for Explaining and Amending An Act to Prevent the further Growth of Popery.

XII. And be it Enacted by the Authority aforesaid, That the Sheriff and Sheriffs of every County, at every Assizes, Commission of Oyer and Terminer, and at every Quarter Sessions in the County of Dublin, and County of the City of Dublin, shall Return in Calendar to the Justices of Assize, Commissioners of Oyer and Terminer, or Justices of the Peace in the County of Dublin, and County of the City of Dublin, all Persons who have been Convicted, in Pursuance of this Act, who have not Paid the Fine Imposed; On Pain of Forfeiting for every such Omission, the Sum of Ten Pounds, to be Recovered in a Summary Way, by Civil Bill to the Use of the Informer; And for the better Encouraging Persons to Discover and Convict Offenders against this Act,

XIII. Be it further Enacted by the Authority aforesaid, That as often as any Person so Convicted, shall not Pay the Fine Imposed Pursuant to this Act, within One Calendar Month, after his or her Years Imprisonment shall be Expired, whereby the Persons Discovering and Convicting such Offender or Offenders, may Lose the Reward hereby Intended for him or them, Then and in such Case, the Person or Persons so Discovering and Convicting such Offender or Offenders, shall Have and Receive the Sum of Ten Pounds, for every Offender so Convicted as aforesaid, to be given or Distributed, to and amongst such Person or Persons Prosecuting to Conviction such Offender,

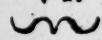
CHAP.

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der, according to the Direction of the Justices before whom such Offender shall be Convicted, which said Sum of Ten Pounds, the Grand Jury, who shall Present such Offender to be Insolvent as aforesaid, shall Present to be Levied on the Popish Inhabitants of the County, County of the City, or County of the Town, wherein such Offender shall be Convicted, and the same shall be Raised and Paid to the Person or Persons hereby Intituled to the said Sum of Ten Pounds, by such Ways and Means, and in such Manner as Money is usually Levied and Raised, upon the County, to aid for the Seizing Persons Robbed of Money or Goods, by Thieves, Robbers or Mappars.

XIV. And be it further Enacted by the Authority aforesaid, That the Justices of the Peace, for the said Counties, and Counties of Cities, and Counties of Towns, respectively, shall once in every Year, at the Mid-Summer-Quarter Sessions, yearly, issue their Warrants signed by the Justices who hold the said Sessions, therein Requiring, Commanding and Authorizing, all High and Petty Constables within their respective Baronies, Parishes and Divisions, and any Two other Persons in each Barony, whom they shall think fit to appoint, to Search, according to the Direction in the said former Act, for Arms, Armour and Ammunition, in the Possession, Keeping, Power, or Custody of all Papists, or other such Persons as aforesaid, within their respective Counties, Cities and Towns; And the Chief Magistrate of every City and Town-Corporate, not being a County of a City, or County of a Town, or his Deputy, shall once in a Year issue his Warrant to the Constables of such City or Town, to Search in Manner aforesaid, and the Chief Magistrate or his Deputy, neglecting to Issue such Warrant in Manner aforesaid, shall, for every such Neglect, forfeit the Sum of Ten Pounds; And every High Constable as aforesaid Neglecting or Refusing to Execute such Warrant, shall forfeit the Sum of Five Pounds, and every Petty Constable Neglecting or Refusing to Execute such Warrant, shall forfeit the Sum of Twenty Shillings; All which said respective Penalties and Forfeitures, shall, and may be Sued for, by Civil Bill, at the Assizes for the respective Counties, or at the Quarter-Sessions where there are not any Assizes held for the said Counties or Cities, where such Chief Magistrates, High and Petty Constables as aforesaid respectively dwell and re-



Beside, by any Person who shall Sue for the Same: And the Justices of such Quarter Sessions are hereby Impowered to Hear and Determine upon all Civil Bills brought for Recovery of any of the Penalties by this Act Inflicted: And such Process, Decree and Execution, shall Issue as is usual in Civil Bills; Which said respective Penalties so Recovered, together with Costs of Suit, shall be to the Use of the Person so Suing in Manner aforesaid.

XV. And be it further Enacted by the Authority aforesaid, That if any Justice shall, after due Information upon Oath shall have been made before him, of any Arms, Armour and Ammunition, being Concealed by, or in the Custody or Possession of any Papist, or other such Person as aforesaid, Refuse or Neglect to Search, or to Cause Search to be Made for such Arms, Armour and Ammunition, within a reasonable Time, after such Information shall have been so Made, every such Justice so Refusing or Neglecting, shall for every such Refusal or Neglect, Forfeit the Sum of Twenty Pounds, to be Recovered by Civil Bill, in Manner aforesaid.

XVI. Provided always, That nothing herein contained shall Extend, or be construed to Extend, to Abridge, Restrain or Lessen the Power of any Two Justices of the Peace, within the Limits of their Jurisdiction and Authority, or of the Mayors, Sheriffs, and Chief Officers of Cities and Towns Corporate in their respective Liberties by themselves, or by Warrant or Warrants under their Hands and Seals respectively, from Time to Time, whenever they shall Judge it necessary, to Search for, Take and Seize, or Cause to be Searched for, Taken and Seized, according to the Directions in this and the said Recited Act, all Arms, Armour and Ammunition of what Nature and Kind soever they be, which are or shall be in the Hands or Possession of any Papist or other such Person as aforesaid, or in the Hands of any other Person or Persons in Trust for them, or any of them, or at their Disposal, or that shall be Concealed in any House, Lodging or other Place, where they shall Suspect any such Arms, Armour and Ammunition to be Concealed; Any Thing in this Act to the contrary notwithstanding.

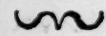
CHAP.

VI. XVII. And whereas Doubts have Arisen, whether Papists or Reputed Papists, may notwithstanding the said in Part Recited Act herein before Mentioned, Keep or Have, in his or her Power or Custody, for Sale or otherwise, Warlike Stores, Sword-Blades, Barrels, Locks or Stocks of Guns, or Fire-Arms, and great Inconveniences may follow if not prevented; For Remedy whereof,

XVIII. Be it Enacted and Declared, by the Authority aforesaid, That no Papist or other such Person as aforesaid, shall, for Sale or otherwise, Keep or Have, for or upon any Pretence whatsoever, any Warlike Stores, Sword-Blades, Barrels, Locks or Stocks of Guns, or Fire-Arms, and every Papist or other such Person as aforesaid, so Offending, being thereof Convicted by Indictment before the Justices of Assize, for the County where such Offence shall be Committed, or before the Commissioners of Oyer and Terminer, or by Indictment before the Justices of the Peace, at the Quarter Sessions for the County of Dublin, or the County of the City of Dublin respectively, if the Offence shall be there Committed, shall Forfeit the Sum of Twenty Pounds Sterling, and the Offender so Convicted, shall Suffer Imprisonment for the Space of One Year, and until he or she shall have Paid the said Forfeiture; And the said Sum so Forfeited, may be Sued for, and Recovered by Civil Bill, at the Assizes for the County where such Offender shall be Convicted, or at the Sessions of the Peace for the County of Dublin, or County of the City of Dublin, if the Offender shall be there Convicted, by any Person who shall Sue for the same; For Recovery whereof, such Process, Decree and Execution shall Issue, as is usual upon Civil Bills; And the Money when so Recovered, shall go together, with Costs to the Use of the Person who shall Sue for the same.

XIX. And whereas many Papists, in Order to have the Use and Benefit of Arms, often keep Protestant Servants, who cannot be Punished for Carrying Arms, which is equally Dangerous to His Majesty, and His Protestant Subjects, as if such Papists actually Carried or Bore the said Arms;

XX. Be it Enacted by the Authority aforesaid, That where any Protestant Servant, by and with the



the Direction, Consent or Privy of his Master, (being a Papist or other such Person as aforesaid) shall Carry or Keep any Arms in his Custody; such Master shall be Deemed and Taken, as if he actually Bore, Carried or Kept such Arms, and shall suffer the Penalties by this Act Inflicted on Papists, or other such Person as aforesaid, who shall carry Arms as aforesaid, and such Servant shall be subject to the Penalties Inflicted by this Act, in the same Manner as if he was a Papist.

XXI. And be it Enacted by the Authority aforesaid, That all Suits and Prosecutions for any Offence against this Act, shall be Commenced within One Year after the Offence Committed; and if such Suit or Prosecution shall be Commenced after the End of the said Year, then the same shall be Void and of none Effect. Any Thing herein contained to the contrary notwithstanding.

XXII. And be it further Enacted by the Authority aforesaid, That every Person or Persons professing the Protestant Religion, who shall, from and after the First Day of July, which shall be in the Year of Our Lord One thousand seven hundred and Forty, Educate or suffer to be Educated, any of his or their Children, either Son or Sons, Daughter or Daughters under the Age of Fourteen Years, in the Popish Religion, shall be deemed a Papist, to all Intents, Constructions and Purposes of this Act.

XXIII. Provided always, That nothing in this Act shall Extend, or be Construed to Extend to Hugh Earl of Mount-Alexander, notwithstanding his having Married a Popish Wife out of the Kingdom, in the Year One thousand seven hundred and three, he having been always a Protestant, and having always shewn a becoming Zeal for the Succession in His Majestys Royal House; But the said Earl may have and keep Arms, Armour and Ammunition, this Act or any other Act to the contrary in any wise notwithstanding.

XXIV. Provided also, That nothing herein contained, shall Extend to the Disarming of Sir Walter Blake Baronet; But that he and Two of his Servants may carry Arms, viz For himself a Sword, a Gun, and a Case of Pistols; And for his Two Servants, being Protestants, a Case of Pistols, and Fuzee each, he having been entrusted with a Command in the Army,

CHAP. by His Majesty King William the Third, of Glorious
Memory, Which Trust he faithfully Discharged; And
VI. having taken the Oaths of Allegiance and Abjuration,
and having ever since behaved himself as a Dutiful Subject.

XXV. And be it further Enacted and Declared by
the Authority aforesaid, That the said Act passed in the
Seventh Year of the Reign of His late Majesty, King
William the Third, of Glorious Memory, Intituled,
An Act for the better Securing the Government, by Disarming
Papists; And every Clause therein, so far as the same is
not Altered by this, or some other Act, shall for ever
hereafter be Deemed and Taken to be a Perpetual Law,
and that the same was so Meant and Intended at the
Making thereof; And that all and every Justice and
Justices of Assize, and Oyer and Terminer, shall Give
this and the said former Act in Charge, as often as
any of them shall Give a Charge to any Grand
Jury.

C H A P. VII.

An Act for Allowing further Time to Persons in Offices or Employments to Qualify themselves, Pursuant to An Act, Intituled, *An Act to Prevent the further Growth of Popery.*

WHENSOEVER several Persons well affected to his Majesty's Government, and the Church of Ireland as by Law Established, may have through Ignorance Neglected, or have been Prevented by Sickness or other Accidental Causes, to Take and Subscribe the Oaths, and to Make and Subscribe the Declaration, and to Receive the Sacrament of the Lord's Supper, According to the Directions of an Act Made in this Kingdom, in the Second Year of the Reign of Her late Majesty Queen Anne [Intituled, An Act to Prevent the further Growth of Popery] and by their Inadvertency may have Incurred great Penalties and Forfeitures;

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons, who have Incurred any Penalties, and Incapacities, in the said Act, Intituled, An Act to Prevent the further Growth of Popery, mentioned, by Neglecting to Qualifie themselves According to the said Act, shall be, and are hereby Indemnified, Freed, and Discharged of and from all Incapacities, Disabilities, Forfeitures, and Penalties Incurred by Reason of such Omission or Neglect as aforesaid, and that no Act, or Acts done by them or any of them, or by Authority derived from them or any of them, and not yet Avoide, shall be Questioned or Avoide by Reason of such Neglect or Omission, but all such Acts shall be and are hereby Declared and Enacted to be as good and effectual as if all and every such Person and Persons had Taken and Subscribed the said Oaths, and Received the said Sacrament, and made and Subscribed the said Declaration, in Manner as aforesaid, any Thing in the

CHAP. said Act to the Contrary notwithstanding; Nevertheless, so as such Person or Persons do and shall VII. Take and Subscribe the said Oaths, and Receive the said Sacrament, and Make, Repeat and Subscribe the said Declaration, in such Manner and Form, and in such Place and Places, as are Directed and Appointed by the said Act, To Prevent the further Growth of Popery, on or before the First Day of August, which shall be in the Year of Our Lord, One thousand seven hundred and forty.

Provided, That this Act, or any Thing therein Contained, shall not Extend to Restore or Intitle any Person or Persons, to any Office or Employment, already Actually Avoided by Judgment of any of His Majesty's Courts of Record, or already Filled up by any other Person; But that such Office or Employment, shall be and Remain in the Person or Persons, who is or are now Intitled by Law to the Same, as if this Act had never been Made.

C H A P. VIII.

An Act for the more Effectual Preventing of
Excessive and Deceitful Gaming.

W^HE^EA^S in, and by an Act of Parliament, passed in this Kingdom, in the Tenth Year of the Reign of His late Majesty King William the Third, of Glorious Memory, Intituled, An Act against Deceitful, Disorderly and Excessive Gaming, after Reciting the many Mischiefs and Inconveniences that Arise, and are daily Found, to the Maintaining and Encouraging of Sundry Idle, Loose, and Disorderly Persons, in their Dishonest, Lewd, and Dissolute Course of Life, and to the Circumventing, Deceiving, Couzening, and Debauching, of many of the Younger Sort, both of the Nobility, and Gentry, and Others, to the Loss of their Time, and the utter Ruin of their Estates and Fortunes, and withdrawing them from Noble and Laudable Employments and Exercises: It is Enacted, That if any Person or Persons, of any Degree or Quality whatsoever, at any Time or Times after the Twenty Fifth Day of December, which shall be in the Year of Our Lord God, One thousand six hundred ninety eight, do or shall, by any Fraud, Shift, Couzenage, Circumvention, Deceit, or Unlawful Device, or Ill Practice whatsoever, in Playing at or with Cards, Dice, Tables, Tennis, Bowls, Kittles, Shovel-Board, or in, or by Cock-Fighting, Horse-Races, Dog-Matches, or Foot-Races, or other Pastimes, Game or Games whatsoever, or in, or by Betting on the Sides or Hands of such as do or shall Play at, Ride or Run as aforesaid, Win, Obtain or Acquire to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever, such Person or Persons are Made Liable to, and Laid under such Penalties, as in the said Act are Mentioned and Set forth; Which said Statute is Enforced by an Act of Parliament, Made in the Sixth Year of the Reign of Her late Majesty Queen Anne, Intituled, An Act for Suppressing Lotteries and Gaming Tables, wherein it Recites, that the said Law has not had the intended Good Effect, and Several Evil Disposed Persons for Divers Years last past, have set up

CHAP. many Mischievous and unlawful Games, called Lotteries, and have thereby most unjustly and fraudulently got to themselves, great Sums of Money from the Children and Servants of Several Gentlemen, Merchants and Traders, and from other Unwarped Persons; And likewise other Evil Disposed Persons do Keep Publick and Open Gaming Tables, where Young Gentlemen, and other Unwarped Persons, Play at Dice and Cards for great Sums of Money, to the Corruption of Youth, the utter ruin and Impoverishment of many Families, and to the reproach of the Laws and Government of this Realm, and Declares and Enacts, that all Publick Lotteries and Gaming Tables, and all other Lotteries and Gaming Tables, that shall be Kept in any Publick Houses in any City, Town-Corporate, or Place within this Kingdom (other than the Groom-Porters-Table, to be Kept within the Walls of Her Majesty's Castle of Dublin, or other House in which the Chief Governor or Governors shall actually Reside therein, and no longer) are and shall be Deemed, Taken and Adjudged to be Common and Publick Nuisances, and that all Grants, Patents and Licences for such Lotteries and Gaming Tables, are Void and against Law, and shall be so Deemed, Taken and Adjudged: And it is thereby further Enacted, That from and after the First Day of November, which shall be in the Year of Our Lord God, One thousand seven hundred and seven, no Person or Persons whatsoever, shall Publickly Exercise, Keep Open, Shew, or Expose to be Played at, Drawn at, or Thrown at, or shall Publickly Draw, Play, or Throw at any Lottery or Game of Fortune, either by, or with Dice, Lots, Cards, Balls or any other Numbers or Figures whatsoever; And that no Person or Persons whatsoever shall Publickly Exercise, Keep Open, Shew, or Expose any Gaming-Table or Tables, Device or Place, where any Person or Persons shall Play at Dice or Cards for Money or Goods, or shall Bet or Lay any Wager or Wagers, on the Sides or Hands of such, who Play only for Sport or Pastime; And that if any Person or Persons shall, after the said First Day of November, Exercise, Expose, Open or Shew, to be Played, Thrown or Drawn at, any Lottery, Play or Device, or shall publickly Exercise, Keep open, Shew, or Expose any Gaming-Table or Tables, Device or Place, where any Person or Persons shall Play at Dice or Cards, for Money or Goods, or shall Bet or Lay any Wager or Wagers, on the Sides

Sides or Hands of such, who Play for any Money or Wager, or only for Sport or Pastime, every such Person or Persons are made Liable to, and are Laid under such Penalties, as in the said Act are Mentioned and Set forth; Which said Statutes are Enforced by an Act of Parliament, Made in the Eleventh Year of the Reign of Her late Majesty Queen Anne, Intituled, An Act for the better Preventing of Excessive and Deceitful Gaming, and also by one other Act, Made in the said Eleventh Year of the Reign of Her said late Majesty, Intituled, An Act for Suppressing Lotteries; And it being Found by Experience, That the said good and wholesome Laws, have not effectually answered the good Ends, Intentions and Purposes, in and by the said Acts designed; But that Contrary to the true Intent and Meaning of the said Recited Acts, several Deceitful Games are Daily Carried on, by Reason of the great Difficulties which have Arisen, upon the Method of Conviction of the Offenders, against the said Acts of Parliament; For Remedy whereof, and for Explaining and Making more Effectual the said Acts of Parliament,

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That if any Person or Persons, shall, after the First Day of May, One thousand seven hundred and forty, erect, Set up, Continue or Keep, any Office or Place, under the Denomination of a Sale or Sales of Houses, Land, Adbowsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other things by way of Lottery, or by Lots, Tickets, Numbers or Figures, Cards or Dice, or any other Device whatsoever, Determining Chance or Chances, or shall Make, Print, Advertise or Publish, or Cause to be Made, Advertized or Published, Proposals or Schemes for Advancing small Sums of Money by several Persons, Amounting in the whole to Large Sums, to be Divided among them by Chances of the Prizes, either in some Publick Lottery or Lotteries, Established or Allowed by Act of Parliament, in His Majesty's Kingdom of Great-Britain, or Ireland, or in any Foreign Lottery, or shall Deliver out, or Cause or Procure to be Delivered out, Tickets to the Persons Advancing such Sums, to Intitle them to a Share of the Money so Advanced according to such Proposals or Schemes, or shall Expose to Sale any Houses, Lands, Adbowsons, Presentations to Livings, Plate, Jewels, Ships or other

CHAP. VIII. other Goods, by any Game, Method or Device whatsoever, Depending upon, or to be Determined by any Lot or Drawing, whether it be out of a Box or Wheel, or by Cards or Dice, or by any Machine, Engine or Device of Chance of any kind whatsoever, such Person or Persons, and every and either of them, shall, upon being Convicted thereof, before any one Justice of the Peace for any County, or before the Mayor, or other Chief Magistrate, or other Justice or Justices of the Peace, for any City or Town-Corporate, upon the Oath or Oaths of One or more Credible Witness or Witnesses (which said Oaths the said Justices of the Peace and Mayor, or other Chief Magistrate, are hereby Authorized, Empowered and Required to Administer) or upon the View of such Justice or Justices, or the Mayor or other Chief Magistrate, Justice or Justices for a-ny City or Town-Corporate, or on the Confession of the Party or Parties Accused, shall Forfeit and Lose the Sum of One Hundred Pounds, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hands and Seals of One or more Justice or Justices of the Peace, of such County, City or Town, where the Offence shall be com-mitted; Which said Forfeitures, when Recovered, after debiting the Reasonable Charges of such Pro-secution, shall Go and be Applied, One Third to the Informer, and the remaining Two Thirds to the Incorporated Society, for Promoting English Protestant Schools in this Kingdom, for the use of such of the said Charter-Schools, as they shall think fit to Apply the same unto.

III. And be it further Declared and Enacted by the Authority aforesaid, That all Games and Lotteries, to be Determined by the Chance of Cards and Dice under the Denomination of the Games of the Ace of Hearts, Pharaoh, Basset, Hazard or Passage, are, and are hereby Declared to be Games or Lotteries by Cards or Dice, within the Intent and Meaning of the said in Part Recited Acts, and that all, and every Person or Persons who shall Set up, Main-tain, or Keep the said Games of the Ace of Hearts, Pharaoh, Basset, Hazard, or Passage, shall be Sub-ject and Usable to all and every the Penalties and Forfeitures in and by this Act Indicted upon any Person or Persons who shall Erect, Set up, Con-tinue, or Keep any of the said Games or Lotteries in this present Act Mentioned, and shall be Prosecuted and Convicted, and the Penalties and Forfeitures shall be Sued for and Recovered, in like Manner as

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the said Penalties and Forfeitures are by this Act
Directed to be Sued for and Recovered.

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IV. And be it further Enacted by the Authority aforesaid, That all, and every Person and Persons who shall be Adventurers in any of the said Games, Lottery or Lotteries, Sale or Sales, or shall Play, Set at Stake or Punt at either of the said Games of the Ace of Hearts, Pharaoh, Basset, Hazard and Passage, or shall Act contrary to the Intent and Meaning of the said in Part Recited Acts, or this Present Act, and shall be thereof Convicted in such Manner and Form as in and by this Act is Prescribed, every such Person or Persons shall forfeit and Lose the Sum of Thirty Pounds, to be Sued for, Recovered and Applied as aforesaid.

V. And be it further Enacted by the Authority aforesaid, That all and every such Sale or Sales of Houses, Lands, Advoidsons, Presentations to Livings, Plate, Jewels, Ships, Goods or other Things by any Game, Lottery or Lotteries, Machine, Engine, or other Device whatsoever depending upon, or to be Determined by Chance or Lot, shall, and are hereby Declared to be Void to all Intents and Purposes whatsoever, and all such Houses, Lands, Advoidsons, Presentations to Livings, Plate, Jewels, Ships, Goods, or other Things Set up, and Exposed to Sale in Manner and Form aforesaid, shall be Forfeited to such Person or Persons who shall Sue for the same, by Action, Bill, Plaintiff, or Information, in any of His Majesty's Courts of Record, or at the Assizes for any County where the Offence shall be Committed in which Action, Bill, Plaintiff, or Information, no Esseign, Protection, or Wager of Law, or more than One Imparlane shall be Allowed.

VI. Provided always, and be it hereby Declared and Enacted by the Authority aforesaid, That if any Person or Persons shall think him, her or themselves aggrieved by the Judgment or Determination of any Justice or Justices of the Peace, or Mayor, or other Chief Magistrate as aforesaid, upon any Conviction of, or for any of the Offences in this Act, or the before in Part Recited Acts, such Person or Persons may Appeal from the said Judgment of the said Justice or Justices, or Mayor or other Chief Magistrate, to the next General Quarter Sessions of the Peace for the said County, City or Place where such Person or Persons was or were Convicted, but the Person or Persons so Appealing shall, and he, she or they are hereby Directed to give Reasonable Notice to the Prosecutor or Prosecutors of such Person.

CHAP. or Persons as shall so Appeal, of such his, her or their Intention of Bringing and Prosecuting such Appeal, and shall Enter into a Recognizance before some Justice or Justices of the Peace for the County, City, or Place wherein the Conviction was Made or Given, with two Sufficient Sureties, on Condition to Try such Appeal at the next Quarter-Session, which shall be Held in and for the County, City or Place, wherein such Conviction or Judgment was Made or Given, next and immediately after the bringing such Appeal, and every such Appeal and Appeals, shall, by the Court, at the said next General Quarter-Sessions, to which such Appeal and Appeals is or are made, be then Examined, and the Matter then finally Heard and Determined, and not afterwards; And in Case such Judgment Determination or Conviction as aforesaid, shall be then and there affirmed, the Party Appealing, shall Pay unto the Prosecutor or Prosecutors, his, her, or their Treble Costs; And such Prosecutor and Prosecutors, shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit, in any other Cases by Law.

VII. Provided always, and be it further Enacted by the Authority aforesaid, That no such Conviction made, or Judgment given as aforesaid by this Act, shall be set aside by the said Court of Quarter-Sessions, for want of Form, in Case the Facts alledged in the said Conviction shall be proved, to the Satisfaction of the said Court; Nor shall such Conviction or Judgment be removed or removable by Certiorari, or any other Writ or Proces whatsoeuer, into any of His Majesty's Courts of Record at Dublin, until such Order or other Proceedings shall have been first removed to, and Judgment and Determination Given and Made thereupon, by such Court of Quarter-Sessions as aforesaid.

VIII. Provided also, and be it further Enacted by the Authority aforesaid. That no Writ of Certiorari, or other Proces, shall Issue or be Issuable to remove the Record of any such Conviction from the said Court of Quarter-Sessions, or to remove any Order or other Proceedings Taken or Made by the said Court of Quarter-Sessions, upon, touching or concerning such Conviction, into any of His Majesty's Courts of Record at Dublin, until the Party or Parties against whom such Conviction shall be made, before the Allowance of such Writ of Certiorari or other Proces, shall find two sufficient Sureties to become bound to the Prosecutor in the Sum of One hundred

hundred Pounds, with Condition to Prosecute the same with Effect, within Six Calendar Months, and to Pay unto the Prosecutor or Prosecutors, his, her or their Treble Costs and Charges, in Case such Order or Conviction shall be affirmed.

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IX. And be it further Enacted and Declared by the Authority aforesaid, That if any Person or Persons, who shall be Convicted of Erecting, setting Up, Maintaining or Keeping any of the said Lotteries, or the said Games herein before set forth, or therein, or in either of them, shall Adventure, and shall not have sufficient Goods and Chattels whereon to Levy the Penalties inflicted by this Act, or shall not immediately pay the said Penalties, or give Security for the same; It shall and may be lawful for the said Justice or Justices before whom such Person shall be Convicted, as aforesaid, to commit such Person or Persons to the Common Goal of the County, City or Place where such Offence shall be committed, there to continue and remain for any Time not exceeding Six Months.

X. And be it also Enacted by the Authority aforesaid, That if any Justice of the Peace, or any other Justice herein before described, or Mayor or other Chief Magistrate of any City or Town Corporated, shall Neglect or Refuse to do what is Required of him and them by this Act, such Justices and Mayors and other Chief Magistrates so Neglecting or Refusing, shall respectively Forfeit and Pay the Sum of Ten Pounds for each Offence, One Moiety whereof to be paid to any Person or Persons who shall Sue for the same, and the other Moiety thereof to the Incorporated Society for promoting English Protestant Schools in this Kingdom, for the Use of such of the said Charter Schools, as they shall think fit to apply the same unto, and shall be Recovered with full Costs of Suit, by Action, Bill, Plaintiff or Information, in any of His Majesty's Courts of Record, or at the Assizes for any County, or County of a City, in which Action, Bill, Plaintiff or Information, no Esseign, Protection or Wager of Law, nor more than one Imparllance shall be allowed, such Prosecution being Commenced within Six Months next, after such Refusal of such Justices or Mayor, or other Chief Magistrate.

XI. Provided always, And be it hereby Enacted and Declared by the Authority aforesaid, That nothing in this Act, or in any former Acts against Gaming contained, shall Extend to Prevent or Hinder any Person or Persons, from Gaming or Playing at any of the Games in this or in any of the said former

CHAP. VIII. Acts mentioned, within the Precincts of His Ma-
jesty's Castle of Dublin, or other House in which the
Chief Governor or Governors of this Kingdom, for
the Time being, shall Reside, during the Time such
Chief Governor or Governors shall actually Reside
therein, and no longer.

XII. Provided also, And be it further Enacted
and Declared by the Authority aforesaid, That no-
thing herein contained shall Extend or be any ways
Construed, Deemed or Taken to Extend, or in any
Sort to Affect or Prejudice, any Estate or Interest in,
out of, or to, any Mannors, Honours, Royalties,
Lands, Tenements, Adbowsons, Presentations, Rents,
Services and Hereditaments whatsoever, which shall
or may, at any Time or Times hereafter, be, accord-
ing to the Laws now in Being, Legally Allotted to,
or Held by, or by Means of any Allotment or Parti-
tion by Lots, but that all Persons that now are, or
that hereafter shall become, Really and truly Seized,
as Part Owners, Joint-Tenants, and Tenants in
Common, of any Mannors, Honours, Royalties,
Lands, Tenements, Adbowsons, Presentations, Rents,
Services and Hereditaments, shall, and he, she and
they, and his, her and their, Heirs and Assigns, is,
and are hereby Made and Continued Capable to Ac-
cept and Take, such Estates and Interest, and Parts
therein, in such and the like Manner, and to such and
the like Uses, as he, she or they, might, would, or
could have done, by or by Virtue, or in Consequence
of any Lot, Scroll, Chance or Allotment whatsoever,
had this present Act never been made; Any thing here-
in contained to the contrary thereof notwithstanding.

XIII. And whereas Horse-Races are found greatly
to Promote and Encourage Idleness and Debancher-
y, among the Farmers, Artificers and Day-Labour-
ers of this Kingdom, to the great Detriment and fre-
quent Ruin of their Families.

XIV. Be it Enacted by the Authority aforesaid,
That any Person or Persons who Run or shall
Cause to be Run any Horse, Mare, or Gelding for
any Wager, Sum or Sums of Money, or any Prize,
Plate, or other Goods or Chattels whatsoever Lots
of, or Less Value than Twenty Pounds, shall, for
every such Offence, Forfeit such Horse, Mare or
Gelding, and also, the further Sum of Twenty
Pounds, and every Person who shall knowingly
or Wilfully be Present at such Race or Horse-Course
shall Forfeit the Sum of Five Shillings, all which
Forfeitures and Penalties shall be Recovered before
any Justice or Justices of the Peace, or Chief Ma-
istrate

gistrate within their respective Jurisdictions, who, upon Confession of the Parties, or due Proof upon the Oath of One or more Credible Witnesses or Witnesseſ, (which Oath the said Justice or Justices are hereby Impowered and Required to Administer) may Hear and Determine the Same, and by War- rant under his, or their Hand and Seal Directed to a Constable, Seize such Horses, Mares, or Geldings so Forfeited, and Levy such Sum or Sums of Money Adjudged against any such Person or Per- sons, by Distress and Sale of his or their Goods, rendering the Overplus (if any there be) to the respective Owner or Owners, and if in Six Days after Issuing such Warrant, such Horse, Mare, or Gelding cannot be Found and Seized by such Con- stable as aforesaid, then and in such Case such Ju- stice or Justices of the Peace or Chief Magistrate, shall, upon Examination of one or more Witneſſes or Witnesseſ, Ascertain the Value of such Horse, Mare, or Gelding, and by his Warrant Levy such Value by Distress and Sale of the Offenders Goods in Manner as aforesaid; And in Case such Penali- ties so Forfeited and Adjudged are not Paid, or the Offender hath not sufficient Goods on which the same can be so Levied, then and in such Case he or they shall be put in the Stocks for the Space of Three Hours; And that such Running Horses, Mares or Geldings may be effectually Secured, all High and Deputy Constables are hereby Required to Seize all such Horses, Mares, or Geldings so soon as may be after such Races, and Carry them before the next Justice of the Peace or Chief Magistrate to the Intent that the Offenders may be Proceeded against in Manner aforesaid; Provided that where such Penalty or Forfeiture exceeds the Sum of Ten Pounds, and any Person thinks him or themselves Aggrieved by any Adjudication, he or they may Ap- peal to the next going Judge of Assize, who in a Summarie Way may finally Hear and Determine the same, and make such Order thereon as he shall Deem Meet and Just.

XV. Provided also, And be it Enacted by the Au- thority aforesaid, That all Sum or Sums of Money so Levied as aforesaid, and the Money arising by the Sale of such Horse, Mare, or Gelding, which the Person seizing the same is hereby Authoriz- ed to Sell, shall be Paid and Distributed, One Third Part thereof to the Poor of the Parish or Parishes where such Races were, One other Third Part there- of to the Incorporated Society, for Promoting English Pro- testant

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testant Schools in this Kingdom, and the other Third Part to the Informer; Provided always, That it shall and may be Lawful to and for the Corporation of Horse-Breeders in the County of Down, Incorporated under His Majesty's Royal Charter, to Continue their Races according to the Powers given them by the said Charter, without being Subject to any of the Penalties Mentioned in this Act.

XVI. Provided always, and be it Enacted by the Authority aforesaid, That no Person or Persons shall be Impeached, Prosecuted or Molested for any of the Offences Committed against this Act, unless he, she or they be Prosecuted for the same within three Months after the Offence Committed.

XVII. Provided also, And be it further Enacted by the Authority aforesaid, That if any Suit or Action shall be Commenced or Prosecuted against any Person or Persons for any Thing done in Pursuance of this Act, every such Suit or Action shall be Commenced within Three Calendar Months next after the Fact was Committed and not afterwards, and shall be Laid or Brought in the County, City or Place where the Caule of Action shall arise and not elsewhere, and the Defendant and Defendants therein shall and may Plead the General Issue, and give this Act and the Special Matter in Evidence, at the Tryal to be had thereupon, and that the same was done in Pursuance of, or by the Authority of this Act, and if the Plaintiff or Plaintiffs shall become Non-Suited or Discontinue his, her or their Action or Actions, Suit or Suits, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may Recover Treble Costs and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs in any other Cases by Law.

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## A C T

F O R

**Explaining and Amending, An Act  
for the Relief of Mortgagees, and for the Per-  
petuating the Testimony of Witnesses, in Suits  
in Equity ; And for Empowering the Dean  
and Chapter of the Holy-Trinity or Christ-  
Church Dublin, to Grant to His Majesty for  
any Term of Years, the Rooms over the Room  
commonly called the Exchequer-Chamber, and  
other Rooms therein Mentioned ; And for A-  
mending a Misnomer in An Act to Enable  
Charles Coote Esquire, to Raise Portions for  
Younger Children.**

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## C H A P. IX.

**W**HICH by An Act of Parliament Made  
in this Kingdom, in the Seventh Year of  
His present Majesty's Reign, Intituled, An  
Act for the Relief of Mortgagees ; And for making the Process  
in Courts of Equity more Effectual against Mortgagors, who  
[12] Abscond

CHAP. Abscond and cannot be Served therewith, and against Persons who, being Served, refuse to Appear ; And also, for better Regulating the Payment of the Fees of Attorneys and Solicitors ;

IX. **It is amongst other Things Enacted,** That where any Defendant or Defendants, to any Bill or Bills whatsoever, Filed in the Courts of *Chancery* or *Exchequer*, shall appear to the said Courts, to have been Duly Served, according to the present Course or Practice of the said Courts, with Process of *Subpœna* to answer such Bill or Bills, and shall stand out the Proces of Contempt of the said Courts to a Sequestration, and neglect to appear on such Service, by his, her, or their Six-Clerk or Attorney, in the usual Manner ; In such Case, such Court may appoint a Clerk or Attorney in Court to Appear for such Defendant or Defendants, and such Proceedings may be had thereupon, in the said Cause, as if such Defendant or Defendants had Actually Appeared.

II. And whereas a Doubt hath been conceived, whether after such Appearance by a Clerk or Attorney Appointed by the Court, the Plaintiff is not to begin the Proces of Contempt again, and Run out the same to a Sequestration, before he can Proceed to hear his Cause, which would be a great and unnecessary Delay and Expence to the Suitor ; For Removal of which Doubt,

III. Be it Enacted and Declared by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, To be the True Sense and Meaning of the said Act, that after such Appearance by the Appointment of the Court as aforesaid, the Plaintiff or Plaintiffs in such Cause or Causes respectively, may Proceed to hear his, her, or their Cause, upon the Sequestration Obtained by him or them, as if the Defendant or Defendants, had Actually Appeared and Stood out such Process of Contempt or Sequestration.

IV. And whereas Suits in Equity for Perpetuating the Testimony of Witnesses, if the Persons against whom such Testimony is intended to be perpetuated, should stand out all Processes of Contempt for not appearing, or in Case of Appearance, for not Answering, the Plaintiff in such Case, has no Means of proceeding in his Cause, to have the Testimony of his Witnesses perpetuated, and may thereby be put under great Difficulties, in Regard to the Sertling

ling or Disposing of his Estate, or raising of Money  
for his necessary Occasions, for want of being able  
to give Satisfactory Evidence of the Title under  
which he Claims; For Remedy whereof,

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V. Be it Enacted by the Authority aforesaid, That  
in all Suits which now are, or at any Time here-  
after shall be Instituted in any of His Majesty's  
Courts of Equity in this Kingdom, against any  
Person or Persons, in Order to have the Testimony  
of Witnesses perpetuated, where all or any of the  
Defendant or Defendants, have, or has stood out, or  
shall hereafter, either for not appearing, or in Case  
of Appearance, for not Answering, or for any other  
Cause, stand out Process of Contempt to a Seque-  
stration, and that the Sequestrators shall Return,  
that no Estate or Effects of such Defendant or De-  
fendants, are found within this Kingdom to be Se-  
questrated, the Plaintiff in all and every such Case,  
upon his, her or their Publishing in the Dublin-Ga-  
zette, Two Days in each Week, for the Space of Six  
Weeks Successively, the Names of the Plaintiff or  
Plaintiffs, Defendant or Defendants, in such Cause  
or Causes respectively, and mentioning therein which  
of the said Defendants have so run into Contempt  
to a Sequestration, as also, the said Return, shall  
and may, upon Application for that purpose, to the  
Court where such Cause is or shall be depending,  
be at Liberty to Examine his Witnesses, as against  
such Defendant or Defendants, as now are, or shall  
be so in Contempt, and pass publication of the De-  
positions, as if such Defendant or Defendants had  
Appeared and Answered, and the Cause had been re-  
gularly at Issue, and Publication passed, according  
to the usual Course and Method of such Court; Any  
Law, Custom, or Usage at any Time heretofore to  
the contrary, in any wise notwithstanding.

VI. And be it further Enacted by the Authority a-  
foresaid, That in all and every such Suit and Suits  
for Perpetuating the Testimony of Witnesses, as a-  
foresaid, which now are, or shall at any Time here-  
after be Instituted, wherein the Plaintiff had,  
or at any Time hereafter shall have Examined  
his Witnesses De bene Esse, and the Defendants  
in such Suit or Suits, or any of them have  
or has Stood, or shall hereafter Stand out

CHAP.  
IX.

Process of Contempt, to a Sequestration for Non-Appearance, or in Case of Appearance for not Answering, and such Return had thereon as aforesaid, or for any other Cause so as the Plaintiff cannot Proceed to Examine his Witnesses in Chief, the Plaintiff in all and every such Case upon giving such Notice in the Dublin-Gazette as aforesaid, shall and may, upon Application for that Purpose to the Court where such Cause or Causes is or are or shall be Depending, have Publication of such Depositions, and the Cause shall be as against such Defendant or Defendants as is, or are, or shall be so in Contempt Proceeded on, upon the Sequestration and Return, and the same shall be as Effectual to all Intents and Purposes against such Defendant and Defendants as if he, she or they had appeared and answered, and the Cause had Regularly proceeded to Issue, and the said Depositions had been Taken upon an Examination in Chief according to the usual Course of such Court; Any Law, Usage or Custom heretofore to the Contrary, in any wise notwithstanding:

VII. And whereas the Room commonly called the Exchequer Chamber, where formerly the Court for Hearing and Determining of Errors in the Court of Exchequer, the Courts of Delegates, and the Commissioners for Hearing and Determining of Appeals from the Commissioners of the Revenue and their Sub-Commissioners usually sat, is ruinous and cannot now be made Use of; And whereas it is necessary to Repair and Raise the Roof of the said Room, and His Majesty can have no Lasting and Permanent Interest in the Rooms over the said Exchequer Chamber, by Reason that the Dean and Chapter of the Holy Trinity or Christ-Church in Dublin, who are Seized thereof in Right of their Chapter to the said Rooms, are not Impowered to Grant any greater Interest therein, than a Term for Forty Years;

VIII. Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Dean and Chapter of the Holy Trinity or Christ-Church in Dublin, and their Successors to Grant unto the King's Most Excellent Majesty the said Rooms over the Exchequer Chamber, and all other their Rooms now made Use of for the Service of any of His Majesty's Courts aforesaid, or over any of the same, and such other Part of their Possessions Adjoining

joyning to or near the Hall where His Majesty's Four Courts are Held in the County of Dublin, or County of the City of Dublin, as shall be thought necessary by the Chief Governor or Governors of this Kingdom for the Time being, for Repairing or Erecting the said Exchequer Chamber, and for the better Accommodation of any of His Majesty's Courts aforesaid, for any Term of Years; A certain Act, Intituled, An Act for the Preservation of the Inheritance, Rights, and Profits of Lands belonging to the Church, or Persons Ecclesiastical; Or any other Law or Statute to the contrary, in any wise notwithstanding.

IX And whereas by An Act of Parliament, Made and Passed in the Eleventh Year of the Reign of his present Majesty, King George the Second, Intituled, An Act to Enable Charles Coote of Coote-Hill, in the County of Cavan Esquire, to Charge his Estate, Settled on his Intermarriage, with a further Sum of Eight Thousand Pounds, for the Portions and Provisions of Three or more Younger Children, whether Sons or Daughters, or both, so as the same with the Sum of Four Thousand Pounds, Charged thereon by the said Settlement, do not Amount to more than Two Thousand Pounds a Piece, for such Younger Children, if Equally Divided, for the Considerations therein Mentioned; Reciting among other Things that by Indentures of Lease and Release, the Lease bearing Date the Sixth Day of July, in the Year of Our Lord One thousand seven hundred and twenty two, and the Release being Sextipartite, and bearing Date the Seventh Day of the same July, and mentioned to be Made between Thomas Coote of Coote-hill in the County of Cavan Esquire, Frances Coote then Wife of the said Thomas Coote since Deceased, and the said Charles Coote, only Son and Heir of the said Thomas Coote of the First Part, Richard Geering of the City of Dublin Esquire, and Prudence Coote now the Wife of the said Charles Coote, by her then Name of Prudence Geering, second Daughter of the said Richard Geering of the second Part, The Right Honourable William Lord Viscount Mountjoy, and the Right Honourable Robert Lord Viscount Molesworth, both since Deceased of the Third Part, the Right Honourable Richard Tighe of the said City of Dublin, since Deceased, and James M<sup>c</sup>Cartney Junior of the same City Esquires, of the Fourth Part, George Warburton since Deceased, and Frederick French of the same City Esquires, of the Fifth Part, Sir Thomas Taylor of the said City of Dublin Baronet, since Deceased, and

[12] C Richard

CHAP. Richard Warburton of the same City Esquire, of the  
 Sixth Part, and by a Fine Levied Pursuant thereto, in Consideration of a Marriage then Intended  
 IX. and since had, between the said Charles Coote, and  
 the said Prudence, and for the other Considerations  
 in the said Indenture of Release mentioned, the said  
 Thomas Coote, Frances Coote his Wife, and the said  
 Charles Coote did Grant and Convey, to the said  
 William Lord Viscount Mountjoy, and Robert Lord  
 Viscount Molesworth, and their Heirs, the several  
 Honours, Mannors, Castles, Messuages, Towns,  
 Lands, Tenements, Hereditaments, Poles, Half-  
 Poles, and Pottles of Land, Fee-Farm Rents, and  
 other Rents, Situate, Lying and Being, in the  
 Counties of Cavan and Monaghan, therein Particularly  
 Mentioned, to Hold to the said William Lord  
 Viscount Mountjoy, and Robert Lord Viscount Moles-  
 worth, and the Survivor of them, his Heirs and  
 Assigns, to and upon the several Uses, Trusts, In-  
 tents and Purposes, and Subject to the several Char-  
 ges, Provisoes, Conditions, and Agreements, in the  
 laid Indenture of Release Particularly Mentioned,  
 and among others to the Use of the said George  
 Warburton, and Frederick French and the Survivor of  
 them, his Executors and Administrators, for the Term  
 of Two hundred Years upon Trust, among other  
 things to Raise Portions and Maintenances for the  
 Younger Children of the said Marriage, as therein  
 is Mentioned; It was among other things Enacted,  
 That it shall and may be Lawful, to and for the  
 said Charles Coote, at any Time during his Natural  
 Life, by any Deed, Will, Instrument or Writing,  
 by him to be Executed, in the Presence of Three or  
 more Credible Witnesses, to Charge and Incum-  
 ber, all and Singular the said Premises, in the  
 said Term of Two hundred Years contained, or  
 any Part thereof, in Case he shall Die Leaving  
 Issue Male, and Three or more Daughters or  
 Younger Children by the said Prudence, for their Por-  
 tions, with any Sum or Sums of Money he shall  
 think fit, not exceeding in the whole, the Sum of  
 Eight Thousand Pounds, Instead of the Sums  
 not exceeding One thousand Pounds, which he is  
 Impowered to Charge, by the Trust of the Term  
 aforesaid, as an Addition to the Sum of Four thou-  
 sand Pounds, Provided by the Trust of the said  
 Term, for such Two Younger Children, so as such  
 further Sum or Sums of Money, with the said  
 Sum

**S**um of Four Thousand Pounds, do not Amount to more than the Sum of Two Thousand Pounds a Piece, for such Three or more Daughters or Younger Children, if the same were equally Divided amongst them, to be Raised by the said Frederick French, his Executors and Administrators, in the same Manner and be Distributed and Paid to and among such Three or more Daughters or Younger Children, in such Shares and Proportions and at such respective Times, and with such respective Maintenances in the mean time, till the said Sums shall respectively become Payable as the Portions and Maintenances, Provided by the said Trust of the Term of Two hundred Years aforesaid, for the Daughters or Younger Children of the said Marriage, are to be Raised, Distributed, and Paid.

X. And whereas, the said Term of Two hundred Years is by the said Recited Settlement, Limited to, and vested in the said George Warburton since Deceased, and Frederick Trench of the City of Dublin, Esq; and the said Frederick French is Mentioned and Recited in the said Act of Parliament, as a Party to the said Settlement, and as one of the Trustees of the said Term of Two hundred Years, by Mistake, instead of the said Frederick Trench; And whereas no Part of the said Sum of Eight Thousand Pounds hath yet been Raised, and the said Mistake if not Rectified may hereafter Delay or Obstruct the Raising thereof:

XI. Be it Enacted and Declared by the Authority aforesaid, That it shall and may be Lawful to and for the said Frederick Trench, his Executors and Administrators, and he, and they, is, and are hereby Impowered to Raise such Sum and Sums of Money, not exceeding in the whole the Sum of Eight thousand Pounds, as the said Charles Coote Pursuant to the Powers given to him, in and by the said Act, shall Charge on the said Lands and Premises Comprised in the said Term of Two hundred Years, for the Purposes in the said Act Mentioned, in such and the same Manner, and as Fully and Effectually to all Intents and Purposes, as the said Frederick Trench his Executors and Administrators could or might have Raised the same, in Case he, or they had been Named in the said Act Instead of the said Frederick French, his Executors and

CHAP. and Administrators, and the said Frederick French in  
the said Act mentioned, his Executors and Administra-  
tors is, and are hereby Disabled to Execute all or a-  
ny of the Powers thereby Given to, or vested in him  
or them; Any Thing in the said Act contained to  
the Contrary notwithstanding.

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CHAP.

## C H A P. X.

An Act to Explain and Amend an  
Act, Passed in the Sixth Year of the Reign  
of His late Majesty, King George the First,  
Intituled, *An Act for the better Regulating the  
Parish-Watches, and Amending the High-Ways  
in this Kingdom, and for Preventing the Mis-  
application of Publick Money.*

WHENSOEVER the giving a Reward for the Apprehending and Convicting Thieves and Robbers, will be a great Means to Prevent Robberies for the future:

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That a Sum of Money not exceeding Five Pounds shall be given as a Reward to everp Watchman, or to any other Person or Persons who shall Apprehend and Lodge in Goal, any Thief or Robber Concerned in any Robbery, for which Death by Law ought to be Inflicted, who shall be after Convicted of the said Felony, and that the said Money shall be Raised by Presentment of the Grand Jury at the Assizes of the County where such Robbery or Felony, for which Death ought to be Inflicted, shall be Committed, as other County Charges are Raised.

III. And whereas the laying out of Roads in straight Lines from Market-Town to Market-Town, would be a great Ease to Travellers and of general Advantage to the Kingdom, notwithstanding which the Owners or Occupiers of Lands adjoining to or near the said Roads do often Refuse Liberty to Cut such Roads in a Direct Line, though full

CHAP full Satisfaction and Recompence be Tendered to such Owners and Occupiers respectively, for any Damage to be Done thereby; To Remedy which,

IV. Be it Enacted by the Authority aforesaid, That from and after the first Day of August, in the Year of Our Lord, One thousand seven hundred and forty, it shall and may be lawful, to and for the Grand-Jury of any County at the Assizes, at the Request of any Person or Persons, by Presentment, in which such Person or Persons Name or Names shall be Expresed, to Point out and Ascertain the Lands and Places where any new Road shall be Carried in as Direct a Line as possible, and of Statutable Breadth, from any Market-Town in the said County, to any other Market-Town in the same County, or as far as the said County Extends, to any other Market-Town in the next Adjacent County.

V. Provided always, That where any such New Road shall be appointed, the same or any Part thereof shall not be Carried through any Ground, being Built upon, or through any Garden, Orchard, Yard, Planted-Walk or Avenue, to any House whatsoever.

VI. And be it further Enacted by the Authority aforesaid, That if any Owner or Occupier of any Part of the Lands through which such new Road is to be carried, shall think him, her or themselves Agrieved by such Presentment, it shall and may be lawful for such Owners or Occupiers, to enter one or more Traverse or Traverses, to such Presentment; Which Traverse or Traverses shall be tried at the next Assizes, without good Cause shewn to the contrary; And the Jury to Try the same, shall Assess fitting Damages and Recompences to the Owner or Owners, Occupier or Occupiers of such Lands or any Part thereof, for their respective Interests therein, to be Paved by such Person or Persons, at whose Request such Presentment shall be made; On Payment of which to the Person or Persons so Traversing the said Presentment, or on Lodging the said Sum so Assessed, with the Treasurer of the County, for the Use of such Owners or Occupiers respectively, it shall and may be Lawful to and for the Person or Persons at whose Instance such Presentment was made, to enter upon the said Work, and to Perfect the same without Interruption of the said Owners or Occupiers, or of any other whatsoever.

VII. And

VII. And whereas High Roads made by Presentments through Fenny Bogs, Low and Marshy Grounds, are frequently overflowed and under Water, by Means of the Drains or Trenches on either Side thereof, not being kept Clean and Scour'd:

VIII. Be it Enacted by the Authority aforesaid, That every Proprietor of such Boggie, Low and Marshy Grounds or Bottoms, through which such Road hath been or shall be hereafter made by the Publick Money of any County (except Turnpike-Roads) shall, every Third Year, Scour such Trenches, so as the Water may freely run, and be carried off; And in Default thereof, that any two Justices of the Peace of the County where such Roads lie, may send such Proprietor Notice in Writing under their Hands, to Clear and Scour such Trenches as aforesaid, in Six Calendar Months, after the Date of such Notice; Which if the said Proprietor shall omit, that in such Case the said Justices of the Peace may by Warrant under their Hands, Order the Overseers of the Parish wherein such Road is, to have the said Drains or Trenches effectually Scoured, and Levy the Value of the said Work on the Proprietors Goods and Chattels, to be Applied to the Discharge of the Work, Deducting such Reasonable Charge to the Overseers as the Justices aforesaid shall think fit, not exceeding two Shillings and Six-pence for each Day such Overseers shall necessarily be Employed in Attending and Finishing the said Work.

IX. And whereas several Persons do Lay great Quantities of Dung, Muck-Mooring and other Filth, on the Publick High-Ways to the Annoyance of Passengers, and great Damage and Impairing the said High-Way;

X. Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for any Person or Persons, after the Twenty fifth Day of April, which shall be in the Year of Our Lord, One thousand seven hundred and forty, to Take and Carry away with Carts, Carrs or other Conveyance, all or any such Dung, Muck-Mooring or other Filth, as they shall find Laid in any High-Way, and the same to Apply to their own Use; And in Case any Suit or Action, shall be Commenced against any Person or Persons whatsoever, for and upon Account

CHAP. of the taking away any such Dung, Muck-Mooing or other Filth as aforesaid, the Defendant shall Plead the General Issue, and give the Special Matter in Evidence, and if a Verdict shall go for the Defendant, or if the Plaintiff shall be Non-suit or Discontinue his Suit, the Defendant shall have and receive his Treble Costs; Any Law, Custom or Usage, to the Contrary notwithstanding,

XI. And whereas by suffering the Hedges, on either Side of High-Ways or Roads, to grow too High and Overhang the said Roads, the said Roads are greatly Annoyed, and the Laws already Made in this Kingdom for Remedy thereof, are ineffectual:

XII. Be it Enacted by the Authority aforesaid, That all Hedges of White-Thorn, Black-Thorn, Sally, Hazel, Furze and Holly, growing on either Side of any High-Ways or Roads in this Kingdom, (which are not Turnpike Roads) shall be Cut or Clipped at a Height not exceeding five Feet, by the Owner or Occupier of the Ground which shall be Enclosed with such Hedges (except the Enclosures of Gardens, Orchards, Nurseries and Hop-Yards) and upon Neglect thereof for the Space of Fourteen Days, after Notice in Writing given for that Purpose, under the Hand of the Overseer or Overseers to be Appointed by the Parish or Grand-Jury, which Notice such Overseer or Overseers are hereby Required to give where the same is Requisite, it shall and may be Lawful, to and for such Overseer or Overseers, to Cut Down such Hedges (except as aforesaid) according to the Height aforesaid, the Charges whereof shall be Reimbursed, the said Overseer or Overseers, by such Owner or Occupier, his or her Executors or Administrators, by Warrant under the Hand and Seal of any Justice of the Peace for such County; And if any Overseer or Overseers, shall Neglect his, or their Duty herein, he and they shall Forfeit the Sum of Ten Shillings Sterl. for every Default or Neglect, the said Penalty to be Recovered by Civil Bill, by any Person who shall first Sue for the same.

XIII. Provided always that no Notice shall be given to Cut or Clip any Hedges, but between the Twenty ninth Day of September, and the Twentieth Day of February, in each Year.

And

XIV. And whereas the several Laws heretofore made for Securing the Publick Money Due and Payable by the Treasurers of Counties, Overseers of High-Ways, and other Publick Works, and High and Petty Constables and other Collectors and Receivers of the Publick Money, have proved ineffectual, by Reason that such Treasurers, Overseers, High and Petty Constables and other Collectors and Receivers, have so absented themselves that their Persons cannot be Arrested, and many others of them having been Arrested and Imprisoned, have Chosen rather to remain in Goal than to render a just and true Account of their respective Collections or to Pay the Ballance thereof remaining in their Hands, whereby many Sums of the Publick Money have been Lost, and remain unaccounted for, notwithstanding that such Treasurers, Overseers, High and Petty Constables, and other Receivers of the Publick Money, are Seized and Possessed of Lands and Tenements, Goods and Chattels to a considerable Value, out of which such Publick Money may be Raised and Levied; to the End therefore the better to Secure the Publick Money, Raised or to be Raised by Presentments of Grand Juries within this Kingdom, and the more effectually to Prevent the Frauds heretofore Practised by Treasurers, Overseers of High-Ways and other Publick Works, High and Petty Constables, and other Collectors and Receivers of the Publick Money heretofore Presented, or which may hereafter be Presented by Grand Juries within this Kingdom:

XV. Be it Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of His Majesty's Court of King's-Bench in Term time, and to and for the Judges of Assize, in their several and respective Circuits, and to and for the Justices of the Peace at the Quarter-Sessions, for the County of the City of Dublin, and for the County of Dublin, from Time to Time, to Order one or more Warrants, in Nature of an Execution, to Issue, Directed to the High-Sheriff or other Officer Lawfully Authorized within the several and respective Counties, and Counties of Cities and Towns, within the Province where such Person was made Treasurer, Overseer, Constable, Collector or Receiver, Empowering such High-Sheriff or his Under-Sheriff or Lawful Deputy, or other Officer Lawfully Authorized, by Sale of the Goods and Chattels, or a sufficient Part thereof, or by, or out of the

CHAP. X. Rents, Issues, and Profits of the Lands and Tenements, of any Treasurer or Treasurers, Overseer or Overseers, of High-Ways and other Publick Works, High and Petty Constables, and other Collectors and Receivers of the Publick Money, who shall not have Accounted for and Paid such Publick Money, and who shall be found to be in Arrear for the same, or any Part thereof, to Raise, Levy, and Collect, such Sum or Sums of Money, for which they shall be so in Arrear; For the Collecting of which such High-Sheriff or his under Sheriff or Lawful Deputy, or other Officer Lawfully Authorized, shall be Entitled to Receive One Shilling, for every Pound he shall so Collect, to be Levied in manner aforesaid, from such Person and Persons against whom such Warrant shall Issue as aforesaid.

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C H A P.

## C H A P. XI.

An Act for the further Improvement of the  
Hempen and Flaxen Manufactures of this  
Kingdom.

W HENCA S it hath been found by Experience, that the Laws now in Being concerning the Making and Manufacturing of Linen and Hempen Cloths in this Kingdom, have hitherto proved Ineffectual, to restrain and Prevent the Frauds and Abuses which are Used and Practised in the making the said Cloths, which ill Practices tend very much to the Discrediting of the said Manufactures both at Home and in Foreign Markets, For Remedy whereof:

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Parliament Assembled, and by the Authority of the same, That from and after the First Day of November, One thousand seven hundred and forty, no Weaver shall Weave, nor any Person or Persons Sell, or Expose to Sale, any plain Linen Cloth, being of or exceeding the Set of Fourteen hundred, commonly called Fourteen hundred Cloths, which shall not be, when green, and before the same shall be Bleached or Whitened, Thirtynight Inches broad at the least, upon Pain of Forfeiting the Sum of Forty Shillings for every such Piece of Linen Cloth so Woven, Sold or Exposed to Sale; And that no Weaver shall make Use of any Reeds in Weaving any Plain Linen Cloths of the Set of Fourteen hundred, commonly called Fourteen hundred Cloths, or upwards, that shall not be Forty Inches wide at least, upon Pain of Forfeiting the Sum of Forty Shillings for every Piece of such Linen Cloth, by him Woven in any Reeds not Forty Inches wide at least; And that no Lappier shall Lapp or Stamp any plain Linen Cloth of the Set of Fourteen hundred, commonly called Fourteen hundred Cloths, or upwards, that shall not

CHAP. not when whitened be thirty six Inches broad at  
XI. least.

III. And be it further Enacted by the Authority aforesaid, That from and after the First Day of June, in the Year of Our Lord, One thousand seven hundred and forty, every Weaver shall truly Stamp, in legible Characters with Oyl and Lamp Black, on every Piece of Green plain Linen Cloth of the Set of Fourteen hundred, commonly called Fourteen hundred Cloths or upwards, by him, his Journeyman or Apprentice Woven, the Number of hundreds contained in the Breadth of such Cloth, together with the first Letter of his Christian Name, and also his Sir Name at full Length, upon Pain of Forfeiting the Sum of Forty Shillings, for every Piece of such Linen Cloth by him or them Woven and Omitted to be Marked as aforesaid; And that every Weaver shall Weave all Linen and Hempen Yarn to him Delivered, into Cloth of such certain Breadth as shall be agreed upon, between the Owner and Owners of such Yarn and such Weaver; Provided such Breadth be not Contrary to this, or any former Law, upon Pain of Forfeiting to the Owner or Owners of such Yarn, the full Value or Price Agreed upon for Weaving such Yarn; And that every Reed-Maker or other Person, making Reeds for Weaving Linen Cloth or Hempen Cloth, shall equally Divide all the Splits in each and every Reed by him made, and shall likewise set upon every such Reed by him made, a Mark with an Iron Brand, containing the first Letter of his Christian Name, and also, his Sir Name at Length in plain legible Characters, upon Pain of Forfeiting the Sum of Twenty Shillings, for every Offence in not equally Dividing the Splits or Marking his Name as aforesaid; And that no Weaver shall make Use of any Reeds in Weaving Linen Cloth or Hempen Cloth, that shall not be equally Divided into Splits and Marked as aforesaid, upon pain of Forfeiting the Sum of Twenty Shillings for every Reed that such Weaver shall make use of, that shall not be equally Divided and Marked as aforesaid.

IV. And be it further Enacted by the Authority aforesaid, That if any Weaver, Bleacher, Carrier or other Person whatsoever, intrusted with any Linen or Hempen Yarn, or Linen or Hempen Cloth, shall fraudulently Sell or Imbezzle the same, or any Part thereof

thereof, of the Value of one Shilling or upwards; such Weaver, Bleacher, Carrier or other Person shall, for every such Offence, Forfeit to the Person aggrieved Treble the Value of such Yarn or Cloth, or of such Part thereof so Sold or Imbezzled.

CHAP.

XI.

V. And be it further Enacted by the Authority aforesaid, That from and after the first Day of June, in the Year of Our Lord, One thousand seven hundred and forty, No Person or Persons whatsoever shall Keep, Employ, or make Use of any Publick Bleach-Yard, within the City of Dublin or Five Miles thereof, without Licence for that Purpose first had and obtained from the Trustees Appointed for Encouraging the Hempen and Flaxen Manufactures of this Kingdom, or any five or more of them, on Pain of Forfeiting the Sum of Two Hundred Pounds, and that no Fee or Reward shall be taken for such Licence or Licences.

VI. And be it further Enacted by the Authority aforesaid, That all Offences committed against what is herein before Enacted, except the keeping of a Publick Bleach-Yard without Licence as aforesaid, which shall be heard and determined by the said Trustees or any five or more of them, shall be heard and finally determined by the said Trustees or any five or more of them, or by any one or more Justice or Justices of the Peace, or Chief Magistrate of any City or Town Corporate within their respective Jurisdictions, who, upon Complaint to him or them made, shall, upon Examination of one or more Witness or Witnesses upon Oath, which Oath they are respectively hereby Impowered to Administer, Adjudge and Determine the same, and Issue his or their Warrant or Warrants, to any One or more Constable or Constables within their respective Jurisdictions, Requiring and Impowering him or them, by Distress and Sale of the Offenders Goods (the Overplus whereof shall be Lied to the Owner or Owners) to Levy the respective Penalties by them incurred, which when Levied shall belong and be Paid to the Informer or Informers, or such other Person or Persons as are herein before particularly mentioned to be Entitled to the same respectively, first Deducting thereout the Sum of twelve Pence, to be paid to the Constable or Constables, for Executing every such Warrant; And if no sufficient Distress can be found, then the said Trustees, or such five or more of them, or such Justice or Justices of the Peace or Chief Magistrate respectively, shall com-

CHAP. mit such Offender or Offenders, to the House of  
 XI. Correction within their respective Jurisdictions, there  
 to be Kept to hard Labour for the space of One  
 Month.

VII. And be it further Enacted by the Authority aforesaid, That ever Flax-Dresser, Hemp-Dresser, Professed Maker of Linen Wheels, and Professed Maker of Hatchels, being a Protestant, shall be at Liberty to Set up, and Exercise his Trade in any City or Town Corporate, and during his Residence and following his Trade therein, shall be Deemed and be a Freeman thereof:

VIII. Provided nevertheless, That no such Flax-Dresser, or Hemp-Dresser, professed Maker of Linen Wheels, or professed Maker of Hatchels, shall have any Right to Vote in the Election of any Magistrate, for such City or Town Corporate, or of any Member to Serve in this or any future Parliament in this Kingdom, by Virtue only of such Freedom.

IX. And whereas, by an Act of Parliament passed in this Kingdom, in the Ninth Year of the Reign of His present Majesty, Intituled, An Act for the further Encouragement and Improvement of the Flaxen and Hempen Manufactures, It is Enacted, that from and after the First Day of May, One thousand seven hundred and thirty six, if any Weaver shall Imbezzle, or Convert to his own Use, any Flaxen or Hempen Yarn delivered, or that shall be delivered to him to be Woven, such Weaver over and above the Penalty inflicted on such Offenders by the Act therein recited, Made in the Second Year of the Reign of His late Majesty King George the First, being lawfully Convicted of such Offence in the Manner directed and Appointed by the said recited Act, shall for the first Offence Forfeit and Pay to the Party aggrieved, the Sum of Forty Shillings, or suffer three Months Imprisonment at the Discretion of the Magistrate before whom he shall be Convicted, and for the second, and every other Offence, shall, upon Conviction in like Manner, Forfeit and Pay the Sum of Three Pounds, or suffer Six Months Imprisonment.

X. Be it Enacted by the Authority aforesaid, That the said Recited Clause of the said Act, be from henceforth Repealed and made Null and Void.

XI. And

XI. And Whereas the Method of Proceeding in the Usual Forms of Law, for the Recovery of such Fines or Penalties, as are Imposed on the several Lappers appointed by the said Trustees, is found to be Attended with great Delay and Expence; For Redemp wherof, Be it Enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and forty, it shall and may be Lawful, to and for the said Trustees in the Name of their Clerk for the Time being, to Sue for in a Summary Way by Civil Bill before the Judges of Assize in their respective Circuits, and at the Sessions in the County of Dublin, and County of the City of Dublin, and Recover against all and every Lapper and Lappers, and his, and their Security and Securities, all such Sum and Sums of Money as have been Imposed since the First Day of May, One thousand seven hundred and thirty eight, or shall be from time to time hereafter imposed by the said Trustees, or any Committee of them, by Way of Fine or Penalty on such Lapper and Lappers, and that Copies of the Orders of the said Trustees whereby such Clerk is Appointed, and whereby such Fine or Fines, Penalty or Penalties have been, or shall be Imposed, taken from the Books of the said Trustees, and Signed by such Clerk for the Time being, shall respectively be Taken, Deemed, and Adjudged, Full and Sufficient Evidence that such Person is their Clerk, and that such Fine and Fines, or Penalty and Penalties have been so Imposed.

XII. Provided nevertheless, That no such Civil Bill shall be Brought for Recovery of any greater or larger Sum, than the Sum of Twenty Pounds.

XIII. And whereas, no Linen Cloth made in this Kingdom, can be Exposed to Sale or Exported, unless such Cloth contain Twenty two Inches and a half in Breadth at least, and unless the same be Lapped and Stamped, and that it hath been found by Experience that it will tend greatly to the Benefit of this Kingdom to Permit Linen Cloths of less Breadth, though the same shall not be Lapped and Stamped, to be Exposed to Sale and Exported.

XIV. Be it Enacted by the Authority aforesaid, That for the Term of Four Years, to be Computed

CHAP.

XI.

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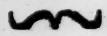
ted from the First Day of May, in the Year of Our Lord, One thousand seven hundred and forty, and from the Expiration of the said Four Years to the End of the then next Session of Parliament, it shall and may be Lawful for any Person whatsoever, to Expose to Sale, and to Export out of this Kingdom any Linen Cloth, under the Set of Ten hundred made within the same, although the said Linen Cloth doth not Contain Twenty two Inches and a half in Breadth, and although the same should not be Lapped and Stamped; Any Law or Statute to the Contrary notwithstanding.

Georgii Secundi Regis.

1095

CHAP.

XII.



A N

A C T

F O R

Continuing and Amending the Laws
now in Force, in Relation to Butter and
Tallow, and the Casks in which such Goods
are to be made up, and for the Curing of
Hides, and making up Beef and Pork for Ex-
portation; And for Preventing the Destructi-
on of Salmon.

C H A P. XII.

W H E N E V E R an Act passed in the eighth Year
of His late Majesty King George the First's
Reign, Intituled, An Act for the further Amend-
ment of the Laws, in Relation to Butter and Tallow Casks,
Hides, and other Commodities of this Kingdom, and for pre-
venting the Destruction of Salmon; Which said Act was
Continued and Amended, by an Act made in the
Tenth Year of His said late Majesty's Reign, Intitu-
led,

CHAP. led, An Act for Continuing and Amending of the Laws in Relation to Butter and Tallow, and the Casks in which such Goods are to be made up, and in Relation to the Curing of Hides, and making up of Beef and Pork for Exportation, and for the preventing the Destruction of Salmon; Which said Act was Explained and Amended, by another Act made in the Twelfth Year of His said late Majesty's Reign, Intituled, An Act for Explaining and Amending an Act, Intituled, *An Act for Continuing and Amending of the Laws in Relation to Butter and Tallow, and the Casks in which such Goods are to be made up, and in Relation to the Curing of Hides, and making up of Beef and Pork for Exportation, and for preventing the Destruction of Salmon;* Which said Acts have been further Continued by several Statutes to the end of this present Session of Parliament, and being found to be extreamly useful and now near expiring, are therefore fit to be Continued with such Alterations and Amendments, as by this Act are made therein:

II. Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said several Acts herein before mentioned, with the several Alterations and Amendments herein after Contained, be and are hereby further Continued for and until, the Twenty fifth Day of March, which will be in the Year of Our Lord, One thousand seven hundred and forty seven, and from thence to the end of the then next Session of Parliament and no longer.

III. And to the End that the several Rules, Regulations, Orders, and Directions in this and the said Recited Acts mentioned and contained, may be strictly Observed, and faithfully and truly Executed, in the City of Corke, which is a Place of great Export;

IV. Be it Enacted by the Authority aforesaid, That John Colthurst of the City of Corke Esquire, Edmund Knapp of the said City Alderman, and Edward Hoare the Younger, of the said City Esquire, and the Survivors and Survivor of them, shall be and are hereby Appointed to be Weigh Master and Weigh Masters of the said City of Corke, with the same and the like Fees, Payable and in the same manner Re-

coverable, for the Trouble, Charges and Expences they shall be at, in the Execution of the said Office, and subject to the same Conditions, and to the like Rules, Regulations, Orders and Directions, and under the same Penalties and Forfeitures, as the Weigh-Masters of Corke were and are made liable to, by the said Recited Acts, and this present Act, for the due Execution of the said Office of Weigh-Masters of the City of Corke, which said Office shall be Executed by them, or by the Survivor or Survivors of them, his or their sufficient Deputy or Deputies, during the good Behaviour of the said John Colthurst, Edmund Knapp, and Edward Hoare, and the Survivors and Survivor of them, in the several Publick Weigh-Houses, now and for several Years past, made Use of in the said City, or in Places contiguous to the said Weigh-Houses as the said Weigh-Masters or the Survivors or Survivor of them shall appoint.

V. Provided always, That the said John Colthurst, Edmund Knapp, and Edward Hoare, and the Survivors and Survivor of them, shall and may from Time to Time be Subject and Liable to be Removed for Misbehaviour in the Execution of the said Office, committed by them or any of them, or the Deputy or Deputies of them, or either of them, by the Mayor, Aldermen, and Common-Council of the said City, in manner as Weigh-Masters appointed by the Mayor and Aldermen or Chief Magistrate and Burgesses in other Cities and Towns Corporated, are by the said Recited Acts or any of them made Removable, by such Mayor and Aldermen or Chief Magistrate and Burgesses, with Liberty to the said Weigh-Masters or any of them, who shall be so Removed, of Appealing to the next going Justices of Assize for the Munster Circuit, in which the said City of Corke lies, in their next Circuit, in such manner as is in other Cases provided for by the said Recited Acts or any Part of them; And in Case such Weigh-Master or Weigh-Masters, so Appealing shall be Restored by such Justices of Assize, before whom such Appeal shall be heard, to the Office of Weigh-Master, that then and in such Case, the Person or Persons who acted in the said Office from the Time of such Removal, shall be Accountable for the full neat Profits of the Office, to such Weigh-Master or Weigh-Masters so Removed, and shall be considered

CHAP. dered and paid only as a Deputy or Deputies, to
XII. such Weigh-Master or Weigh-Masters so restored.

VI. Provided also, That if the said John Colthurst, Edmund Knapp, and Edward Hoare, or any of them, or the Survivors or Survivor of them, shall Alien, Assign, Sell, Lease or otherwise Dispose, of his or their Office of Weigh-Master or Weigh-Masters, which by this present Act is vested in them, and the Survivor of them, to any Person or Persons whatsoever, That then and in such Case, the said Office of Weigh-Master so as aforesaid, Granted to them, shall as to the Person or Persons so Aliening, Assigning, Selling, Leasing, or otherwise Disposing of the said Office, Cease and Determine, and also, every Sale, Grant or Lease, made by them contrary to the Intent of this Act, shall be absolutely Null and Void to all Intents and Purposes whatsoever.

VII. Provided also, That if the said Office of Weigh-Masters for the City of Corke, shall become vacant by the Death or Removal of the said John Colthurst, Edmund Knapp, and Edward Hoare, or otherwise, then and in every such Case, it shall, and may be Lawful, to and for the Mayor, Aldermen and Common Council of the said City of Corke, by Writing under the Common Seal of the said Corporation, to Nominate and Appoint two other Persons to the said Office of Weigh-Master, who, after such Nomination and Appointment, shall hold the same to them, and the Survivor of them, to be Executed by themselves, or the Survivor of them, or his, or their sufficient Deputy or Deputies, during the good Behaviour of the Persons so Appointed, with the same Fees, and under the like Regulations, Conditions, Rules, Penalties and Forfeitures, as the Weigh-Masters of Corke now are, or shall be Subject and Liable to by the said Recited, and this present Act, for the due Execution of the Office of Weigh-Master, and to the same Power of Removal as is herein Appointed for the said John Colthurst, the said Edmund Knapp, and Edward Hoare, and their Deputies respectively.

VIII. And whereas, Coopers have heretofore been frequently appointed Weigh-Masters, by which Means Frauds have been Committed, and the Law for the Regular Branding of Butter and Tallow Casks, thereby greatly Eluded;

IX. Be



IX. Be it therefore Enacted by the Authority aforesaid, That for the future, no Cooper during the Time such Cooper shall Exercise, or Follow the Trade or Mysterie of a Cooper, or shall Employ any Apprentice or other Person in Making Casks for Packing up of Butter or Tallow, for his Use or in Trust for him, shall be capable of being Appointed a Weigh-Master, or Deputy Weigh-Master, any Thing in this Act, or any former Law to the contrary thereof notwithstanding.

X. And be it further Enacted by the Authority aforesaid, That if any Merchant-Dealer or other Person shall, from and after the Twenty ninth Day of September, which will be in the Year of Our Lord One thousand seven hundred and forty, Carry, or Convey, or cause to be Carried, or Conveyed any Cask or Casks of Butter or Tallow, to any Custom-House, Wharf or Rep, or to any other Place or Places for Loading or Discharging of Goods within this Kingdom, with an Intent to Export the same, on which Cask or Casks the Weigh-Master or Weigh-Masters Brand or Brands shall not be Marked or Branded thereon, as by this, and the aforesaid Recited Acts are Required and Directed, That then and in every such Case, all and every such Cask or Casks of Butter and Tallow, that shall not be Marked or Branded with the Weigh-Master or Weigh-Masters Mark or Brand, as also the Butter and Tallow therein contained, shall be Forfeited to any Person who will Seize the same, and give Information thereof to the Mayor or other Chief Magistrate of the City, or Town-Corporate where such Custom-House, Wharf or Rep, or other Place of Export lies, And in such Places where there is no such Mayor or Chief Magistrate, to some Neighbouring Justice of the Peace, who are hereby Required within their respective Jurisdictions, to Examine the same, without Loss of Time, and if it shall Appear upon Oath, which Oath the said Mayor or Chief Magistrate, or Justice of the Peace have hereby Power to Administer, that the said Casks of Butter or Tallow or any of them were Intended for Exportation and that they are not Branded, as this and the said Recited Acts Require and Direct, that then such Mayor, Chief Magistrate and Justice of the Peace, shall Declare, and is here-

CHAP. by Required to Declare and Adjudge, without Fa-
 XII. vour or Assent, such Cask or Casks and the Butter
 ~ and Tallow therein Contained not Marked or
 Branded according to the Directions of this, and
 the said former Acts to be Forfeited, One Moiety
 to the Informer, and the other Moiety to the Poor
 of the Parish where such Seizure shall be Made.

XI. And for the further preventing Frauds in Ex-
 porting such Goods and Commodities to Foreign
 Markets;

XII. Be it further Enacted by the Authority a-
 foresaid, That if any Land-Waifer or other Officer
 of the Revenue, Intrusted with the Loading or Put-
 ting on Board any Butter or Tallow, in Order to
 be Exported, shall, from and after the said Twenty-
 ninth Day of September, One thousand seven hun-
 dred and forty, Permit or Suffer any Cask or Casks
 of Butter or Tallow, to be Shipped or Loaden on
 Board any Ship, Boat or Vessel in Order to be
 Exported, unless such Cask or Casks of Butter or
 Tallow, have been Marked and Branded by the
 Weigh-Master or Weigh-Masters, Pursuant to this
 and the before Recited Acts, That then and in everyp
 such Case, every such Land-Waifer, or other Officer
 of the Revenue Offending therein, shall Forfeit the
 Sum of Ten Shillings for everyp Cask of Butter,
 and for everyp Cask of Tallow the Sum of Twenty
 Shillings, that shall be so Loaden on Board any
 Ship, Boat or Vessel, for Exportation contraray to
 this Act, the same to be Recovered by Civil Bill,
 before the Justice or Justices at the Assizes, or be-
 fore the Justices of the Peace, in the County of the
 City of Dublin, and County of Dublin, at the Quar-
 ter-Sessions of the Peace, Held for the said Counties
 respectively, in the same Manner as Civil Bills are
 now used and practised; Any Law to the contraray
 notwithstanding.

XIII. And whereas great Abuses are committed in
 the City of Dublin, and Liberties thereunto Ad-
 joving, by wilful Dicing of Green-Hides and
 Calves-Skins, and by Gashing and Cutting them
 in Fleaing;

XIV. Be it Enacted by the Authority aforesaid,
 That every Weigh-Master Appointed for Weighing
 of

of Green-Hides, in the said City and Liberties or his Deputy, shall, from and after the first Day of May next, keep proper Entries in Books to be kept for that Purpose, of the Weight of all Green-Hides by them Weighed, Expressing the Day on which they were Weighed, the Buyers and Sellers Names, the Number of Hides Weighed in each Draught, the Gross Weight of each Draught, and the Allowance made on each Draught, and shall give a Copp of such Entry, Signed with his Name, unto the Buyer of such Hides upon his Request, under the Penalty of Ten Shillings for every Omission or Neglect therein, and no Person whether Buyer or Seller, so Employed in Buying or Selling of Green-Hides, shall make or accept of any other Allowance than what is made by the Weigh-Master as aforesaid, under the Penalty of Ten Shillings for every Offence, and if either Buyer or Seller of Green-Hides, Object against the Allowance made by the Weigh-Master or his Deputy, that then it may be Lawful for the said Weigh-Master or his Deputy if thereunto Required, to Cause the said Hide or Hides to be Washed, Cleaned and Dried, and in Case it appeared upon such Examination that the Party Objecting to the Allowance offered to be made by such Weigh-Master, for the Dirt, Sculls, Kumps, Sinews, and other Filth therein contained, had not a Just Cause for such Objection, that then the Parties so Objecting, shall Pay to the said Weigh-Master or His Deputy, Three Pence for each Hide, so Washed and Cleaned, as a Recompence for his Trouble; And where any Green-Hide or Hides, Calve-Skin or Calve-Skins is, or are Discovered by any of the said Weigh-Masters or their Deputies, to be Impaired by Gashing, Flauthering or Cutting the same, that it shall and may be Lawful to and for the said Weigh-Master or His Deputy, to Keep and Detain the Hide or Hides, Calve-Skin or Calve-Skins so Impaired, until the Penalty or Penalties, for which the Person or Persons exposing the same to Sale, is, or are liable to be Levied and Raised, and that the said Penalty and Penalties shall be Levied and Raised out of the Goods of the Offender and Offenders by Warrant under the Hand and Seal of the Lord Mayor of Dublin, within the said City of Dublin and Liberties, and of the Seneschals within the respective Liberties thereto Adjoining, which said Lord Mayor

CHAP. or and Seneschals respectively, are hereby Impower-
XII. ed to Inquire into such Offences and to Determine
the same, upon the Oath of One or more Suffici-
ent Witness or Witnesses, and the Penalties so Le-
vied shall be Distributed, One Moiety to the Poor
of the Parish, and the other Moiety to the Person
or Persons Informing.

C H A P. XIII.

An Act for Amending and Repairing the Highway or Road leading from the Town of Belfast, in the County of Antrim, through the Parish of Carnmoney to the Town of Antrim, and from the Town of Randalstown, to the Ferry of Toom, in the said County.

WHENAS the High-Way or Road leading from the Town of Belfast in the County of Antrim, through the Parish of Carnmoney, to the Town of Antrim, and from the Town of Randalstown to the Ferry of Toom, in the said County, by Reason of the several Hollow Ways, and of the many and heavy Carriages frequently Passing through the same is become so Ruinous and Bad, that in Winter Season many Parts thereof are Impassable for Waggons, Carts, Carrs, and Carriages, and very Dangerous for Travellers, and cannot by the ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended and Kept in Good and Sufficient Repair; Wherefore, and to the Intent that the said High-Ways and Roads may with convenient Speed be effectually Amended, and hereafter kept in good and sufficient Repair, so that all Persons may Travel the same with Safety;

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Ways and Roads, it shall be in the Power of the Right Honourable Alexander Earl of Antrim, the Right Honourable Arthur Earl of Donegal, the Right Honourable Clotworthy Lord Viscount Massareen, the Right Honourable Trevor Lord Viscount Hillsborough, the Right Honourable Francis Lord Baron Conway, the Right Honourable William Conolly, the Honourable John Chichester, the Honourable John Skeffington, the Honourable Arthur Skeffington, the Honourable John Skeffington Junior, John Upton, Arthur Upton, Robert Colvil, Charles O'Neile, Hugh Henry,

CHAP. Arthur Hill, Edward Brice, Henry O'Hara, Hercules Rowley,
 Robert Hawkins Magill, Hercules Langford Rowley, Clot-
 worthy O'Neile, and John Moore, Esquires, Sir Robert
 Adair, Baronet, Arthur Dawson, George Conyngham, Wil-
 liam Stewart, George Macartney, Francis Clements, Charles
 Macartney, George Macartney, Junior, Thomas Banks,
 Arthur Dobbs, Davis Wilson, Charles Brice, Edmund Leslie,
 William Johnson, Robert Bitt, James Wilson, Hill Wilson,
 Archibald Edmondston, Robert Dalway, Felix O'Neile, and
 Edmund McNaughton, Esquires, Bernard O'Neile, William
 McCullagh, Henry Shaw, Charles Bristow, Samuel Bristow,
 James Boyd, Henry Wier, Oliver O'Hara, John Bernie, and
 William Agnew, Gentlemen, Joseph Finniston, William
 Hartson, James Hutchinson, Skeffington Bristow, Clerks,
 Lewis Rafford, and George Spright, Gentlemen, Richard
 Stewart, Thomas Merefield, Bernard Ward, and Edward Win-
 der, Clerks, the Sovereign of Belfast for the Time
 being, John Duff, Joseph Green, and Alexander Young,
 Gentlemen, Daniel Mussenden, John Allen, John Johnson,
 John Gordon, William Macartney, Patrick Smith, and
 Samuel Smith, Merchants, Valentine Jones, Gentleman,
 John Scott, Peter Leslie, and Arthur Duffe Clerks, Charles
 Crimble, James Stannus, Gentlemen, the Mayor of Car-
 rickfergus, for the Time being, George Portis, John
 MacCullum, Arthur Buttle, Anthony Charlton, Francis Shane,
 John Mc Neely, and James Kelsoe, Gentlemen, and the
 Survivors of them shall be, and are hereby No-
 minated and Appointed Trustees of the said Road,
 and they or any Five or more of them, or such
 Person or Persons as they, or any Five or more
 of them, shall Authorize and Appoint, shall and
 may Erect, or Cause to be Erected one or more Gate
 or Gates, Turn-pike or Turn-pikes in, upon or
 across any Part or Parts of the said High-Way and
 Road, and also a Toll-House or Toll-Houses, and
 there shall Receive and Take the Tolls and Du-
 ties following, before any Horse, Mare, Gelding,
 Cattle, Coach, Berlin, Chariot, Calash, Chaile,
 Chair, Waggon, Main, Cart, Carr, or other Car-
 riage, shall be Permitted to pass through the same,
 viz. For every Coach, Berlin, Chariot, Calash, Chaile,
 or Chair, Drawn by Six Horses, Geldings or
 Mares, the Sum of One Shilling and Six Pence;
 And for every Coach, Berlin, Chariot, Calash,
 Chaile, or Chair, Drawn by any Lesser Number of
 Horses, Geldings, or Mares, than Six, and more
 than Two, One Shilling; For every Coach, Ber-
 lin, Chariot, Calash, Chaile, or Chair, Drawn with
 Two Horses, Geldings, or Mares, Six Pence; For
 Waggon,

Waggon, Wain, Cart, or Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, or Geldings, or Oxen, the Sum of Two Shillings and Six Pence; For every Cart, or other Carriage, Drawn with Two Horses, Geldings, or Mares, the Sum of Four Pence; For every Carriage commonly called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Three Pence; For every Carr, or other Carriage, Drawn but by One Horse, Mare, or Gelding, the Sum of One Penny Half penny, excepting Carrs laden with Turf, and for each of them One Penny; And for every Horse, Mare, Gelding, Mule, or Ass, Laden or Unladen, and not Drawing, One Penny; For every Drove of Oxen of Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Pogs, Sheep, or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any greater or lesser Number; Which said respective Sum and Sums of Money shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is, and shall hereby be vested in the said Trustees; And the same, and every Part thereof, shall be Paid, Applied, and be Disposed of, and be Assigned to, and for the several Uses, Intents and Purposes, and in such Manner as is herein after Mentioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals, thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand Made thereof, Neglect or Refuse to Pay the same, by Distress of any Horses or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels of such Person or Persons, who ought to Pay the same, and may Detain and Keep the same, until such Toll or Duty, with the Reasonable Charges of such Distressing and Keeping, shall be Paid; And it shall and may be Lawful, to and for the Person or Persons so Distressing, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods

CHAP. XIII. Distraimed, Returning the Overplus (if any be) upon Demand, to the Owner, after such Toll, Duty, and Reasonable Charges for Distraining and Keeping the same, shall be Deducted and Paid.

III. And be it further Enacted by the Authority aforesaid, That out of the First Money Arising by the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Five or more of them, shall first Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, and Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and Paid, That then, and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or set up on the Road, leading from the Town of Belfast in the County of Antrim, through the Parish of Carnmoney to the Town of Antrim, and from the Town of Randalstown to the Ferry of Toom, in the said County, shall be applied for and towards the Repair of the said Road only, and not elsewhere.

IV. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful, to and for the Trustees in this Act before Named, first to Apply the Money Arising by the Toll due by this Act to the Repairing and Amending that Part of said Road Leading from Belfast to Antrim, and when the same is finished that then the said Trustees shall apply the Money arising by said Toll, to the Making and Repairing that Part of the Road Leading from Randalstown to Toom, and shall from such Time be at Liberty to set up one or more Turn-pike or Turn-pikes, on the said Road from Randalstown to Toom, in such Place or Places as they shall think fit.

V. And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land near unto which any Turn-pike is to be Erected in Pursuance of this Act, shall for Gain, Reward, or otherwise Permit any Person or Persons whatsoever, to Pass through any Gate, Passage, or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Driving any Horse, Ass, Mule, or any Sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and shall

shall be thereof Convicted, upon Oath by one or more Witness or Witnesses before the said Trustees, or any Five or more of them, or before any one or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees Appointed to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Lending the Overplus to the Owner (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

VI. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby Impowered to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High Way or Road, cross any Way or Lane Leading out of the said Road; and to Build a Toll House or Toll Houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same does not Extend to a Double Charge, in case of Passing the same Way through any other of the Turn-pikes, to be Erected by Virtue of this Act, from the Road Leading from the Town of Belfast, in the County of Antrim, through the Parish of Carnmoney to the Town of Antrim, and from the Town of Randalstown to the Ferry of Toom in the said County.

VII. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their First Meeting or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint one or more fit Person or Persons, to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty as shall be Due and Payable by Virtue of this Act; And also, one or more fit Person or Persons, to be Surveyor or Surveyors, or to View the Condition of the said High Way or Road, and to take care that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duty Applied; And shall and may from time to time, Remove such Collectors, Receivers and Surveyors, or any, or either of them, as they shall see Occasion, and Appoint

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New ones, in Case of Death, or of such Removal; And such Person or Persons as is, or are Liable by this Act, to Pay the said Toll or Duty, is, and are hereby Required to Pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty in that Behalf, from Time to Time Appointed as aforesaid, for Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors as aforesaid, shall, upon Oath (if thereto Required) before the said Trustees, or any Five or more of them, or before One or more Justices or Justices of the Peace, Residing near the High Way or Road aforesaid, which Oath such Trustees, or any Five or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer, on the first Tuesday of every Month, or oftner (if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands, of all Money which he and they, and every, or any of them, shall to such Time have Received, Paid and Disbursed by Virtue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall Remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall by any Writing under their Hands and Seals, Authorize and Empower to Receive the same, which shall be Disbursed and Laid out in Amending the said High Way or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, for and in Consideration of his or their Care and Pains, respectively, taken in the Execution of his and their Office and Offices, and to such other Person or Persons, who have been or shall be Assisting in and about Procuring the said High Ways or Roads to be Amended and Repaired, by Advancing, or Laying out any Money or otherwise Relating thereto, as to them shall seem Good; So as such Allowance or Allowances to such Collector or Collectors, do not

Annually



Annually exceed Twenty Pounds, and to such Surveyor or Surveyors, any Sum not exceeding Two Shillings and Six pence a Day, During such time or times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons, who shall be Employed by Virtue of this Act, does not exceed the Sum of Fifteen Pounds Yearly, to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid; That then the Justices of the Peace, at any Special Session or Meeting of them, to be Holden for the County in which the said Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, have Acted and been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Inquiry, and Finally to Determine, of, and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or more Credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer, without Fee or Reward; And if any Person or Persons shall be Convicted thereof, by such Justices, the said Justices shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County, where such Offence shall be Committed, there to Remain without Bail or Mainprize, until he or they shall have made a True and Perfect Account, and Payment as aforesaid.

VIII. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall Appoint, to Dig, Haise, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones, or other Materials, out of any Waste or Common of any Parish, Town, Village, or Hamlet, in, or near which any Founderous or Ruinous Places of the said Highway or Road do lie; And for want of sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Haise, Take and Carry away the same, out of the Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without paying any

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any Thing for the same; And where there is not sufficient of such Materials in any Common or Waste Grounds, near Adjoining, it shall and may be Lawful by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same, in the several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard, or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are, or may be Found, and from time to time to Carry away such, and so much thereof as the said Surveyors in their respective Places, shall Judge Necessary for the Amending or Repairing of the said High-way or Road, paying such Rates for such Materials, to the Owner or Occupier of the Ground from whence the same shall be Dugged, Raised, Gathered and Carried away, as the Trustees appointed, or to be Appointed, to put this Act in Execution, shall adjudge Reasonable; And in Case of any Difference between such Owner or Occupier, and the said Trustees, Touching the Damage aforesaid, the Judges of Assize at the next General Assize and General Goal Delivery, to be Holden in the County where such Materials shall be Dugged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same.

IX. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-way or Road, hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to Cleanse any Ditch or Water-courses adjoining to the said Road, and to Cut Down, Lopp or Copp, any Trees or Bushes growing on the said High-way, or in the Hedges or Banks adjacent to the said High-way, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut Down such Trees or Bushes, or to Remove such other Annoyances, for the space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of five of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to Cut down the said Trees or Bushes, or to Remove such

such other Annoyances as aforesaid; And if, after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted upon the Oath of one or more Witness or Witnesses, before one or more Justice or Justices of the Peace, for the said County where such Offence shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, the Sum of Ten Shillings, to be Levied in Manner aforesaid.

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X. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, to Make, or Cause to be Made, Causeways, and to Cut and Make Drains through any Grounds lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone, thereupon; And also to Widen any of the Narrow Parts of the said High-way or Road, by Opening, Clearing, and Laying into the said High-way or Road, any Ground of any Person or Persons, lying Contiguous to such High-way or Road, not being built upon, and not being a Garden, Orchard, Yard, Planted Walk, or Avenue to a House; And also, to Cause Ditches or Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors, by the Order of the said Trustees, or any five or more of them, shall adjudge Necessary, for the better Amending and Keeping of the said High-way or Road in good Repair, making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so laid in, or unto the said High-way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby sustain, as shall be Assessed and Adjudged by the next going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes, or Quarter Sessions, to be Holden for the County in which such Grounds lye, which shall be laid into the said High-way or Road, or through which any such Drain or Drains, Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Causeways Made, and in Case of any Dis-

CHAP. ference concerning the same ; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, adjoining to the said High-Way or Road, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to Make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall adjudge Proper and Convenient, after Eight Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them, to such Owner or Owners, it shall and may be lawful, to and for the Surveyor and Surveyors, to set any Man or Men to work, to Scour or Cleanse and Make the same, and by Warrant under the Hands and Seals of any five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rending the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

XI. And whereas the said High-Way, or Road, leading from the said Town of Belfast in the County of Antrim, through the Parish of Carnony, to the Town of Antrim, and from the Town of Randalstown to the Ferry of Toom in the said County, may be Considerably Shortened, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked ; For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Straight as aforesaid ;

XII. Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Nine or more of them, to Ascertain, Describe, and Set apart, such a Part and Proportion of the Lands Adjoining or Contiguous to the said High-Way or Road, as they the said Trustees, or any Nine or more of them shall Adjudge necessary for Carrying the same Straight, and in a Direct Line. Provided that no Part of the said Lands so to be Set Apart be Built on, and that the same be not Part of any Garden, Orchard, Yard, Planted Walk, or Avenue to a House, or of a Park, or Paddock for Deer ; And the said Trustees, or any Nine or more of them, are hereby further Authorized and Empowered to Treat and Agree with the Owners and others Interested in the said Ground,

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to be made use of in Carrying the said Road Straight, as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Nine or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree, as aforesaid, or through any Disability by non Age, Coverture, or Special Limitation, in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise howsoever shall Refuse to Dispose of their respective Interests in such Land, as the said Trustees or any Nine or more of them, shall think Convenient, for the Shortening of the said Road; In every such Case, the said Trustees, or any Nine or more of them, are hereby Authorized and Empowered to Issue forth their Warrant or Warrants to the Sheriff or Sheriffs of the County wherein such Ground doth lye to Impannel and Return before the said Trustees, or any Nine or more of them, at such Time and Place, within the said County, as shall be appointed in such Warrant or Warrants, a sufficient Jury, who upon their Oaths, (which said Oaths, the said Trustees, or any Nine or more of them, are hereby Empowered and Required to Administer) shall Inquire into the True and Real Value of such Ground to be made Use of for the said High-Way or Road, and such Verdicts or Inquisitions as shall be so Found and Returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever. And so far much as the Money so to be Collected, by such Receipt of the said Toll, will not at present be sufficient for the speedy Repairing of the said High-Way or Road;

XIII. Be it further Enacted by the Authority aforesaid, That the said Trustees or any Fifteen or more of them, shall and may and are hereby Empowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof (the Tolls and Charges whereof are to be Born and Paid out of such Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money  
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by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so Had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use whatsoever.

XIV. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Fifteen or more of them, from Time to Time, During the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to Pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the Growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall from Time to Time become due, until such Time as the Principal Sum, mentioned in such Warrant or Order, shall be Paid off and Discharged at one Intire Payment: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

XV. And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her, or their Executors, or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made in a Book to be Kept for that Purpose, which the said Treasurer or Receiver shall, upon Request without Charge, Fee or Reward, make accordingly, and shall, on the like Request, Permit to be Viewed at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his, her, or their Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned: and that the said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of

of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

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XVI. And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Number till the whole be Arithmetically Numbered.

XVII. And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made payable, over and above what shall be sufficient to discharge the said Interest, and Repair the said Road, shall be Applied in Discharge of the principal Money so Borrowed, in the Manner hereinafter Mentioned, viz. That when, and as often as such Surplus, Received by the said Treasurer or Receiver, shall amount to the Sum of Two Hundred Pounds, then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sums therein contained, to be Written on several Tickets, or Pieces of Parchment, and to be Stolled and Sealed up, and put into a Box or Urn, and well Mixed together, and an indifferent Person to be Appointed by the said Trustees, or any five or more of them, shall publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by them the said Trustees or Receiver Publickly Advertised in the Dublin-Gazette, for that Purpose, at least Twenty Days before, at the Town of Belfast, Draw out of such Box or Urn, as many of the said Tickets, or Pieces of Parchment, as the Sums therein contained shall amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively due, with Interest for the same till Paid, and shall, upon Payment thereof, deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancell accordingly, and the Interest payable by Virtue of

CHAP such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets, or Pieces of Parchment.

XVIII. And be it further Enacted by the Authority aforesaid, That every Person Chargeable, by any Law now in being, towards Repairing the said High-way or Road, shall Yearly, During the Continuance of this Act, Do and Perform two Days of that Work, commonly Called The Statute-Work, which is Appointed, by the Laws now in being, for the Amending of the High-ways in this Kingdom, in such Manner, Place and Places, being Part of the High-way hereby intended to be Repaired, and at such time as the Surveyor or Surveyors, to be Appointed by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from time to time, Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors, for the time being, of all and every Parish and Parishes in which the said High-way and Road, intended to be Repaired by this Act, lye, shall, Yearly and every Year, within Four Days after Requett Made to him or them, by the Surveyor or Surveyors for the time being, Appointed by Virtue of this Act, give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, (except the Parish of Antrim,) who are by the Laws now in Force, Chargeable towards the Repairing the High-ways of the respective Parishes, and what he or they is or are Chargeable with respectively for and towards the same, to the Surveyor or Surveyors appointed, or to be appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within three Days next after Notice given by the said Surveyor or Surveyors Appointed by this Act, of the time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and upon the said Roads to be Repairet by this Act, either Summon or give publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeite

Forfeit and Pay the Sum of Forty Shillings; CHAP.
And if any Person or Persons keeping a Team,
Cart, Carr or other Carriage, and Chargeable to-
wards the Repairing the High-Ways, as aforesaid,
shall Neglect or Refuse to Perform the said Two
Days Work, in the said High-Way by this Act
Intended to be Repaired, after such Summons or
Publick Notice Given as aforesaid, he, or they re-
spectively, shall Forfeit and Pay the Sum of Five
Shillings for each of the Two Days such Person
or Persons keeping a Team, Cart, Carr or other
Carriage, shall Make Default; And if any La-
bourer or other Person, so Chargeable towards
the Repairing the High-Ways of the said Parishes,
shall at any Time Neglect or Refuse, after such
Summons or Publick Notice Given as aforesaid,
to Do and Perform the said Two Days Work, in
the said High-Way by this Act Intended to be Re-
paired, he or they shall respectively Forfeit the Sum
of One Shilling for each of the said Two Days
such Labourer or other Person or Persons shall make
Default; All which Penalties and Forfeitures, by
this Act Imposed, shall be Levied and Recovered by
Distress and Sale of any of the Offenders Goods
or Chattels, by Warrant or Warrants under the
Hands and Seals of the said Trustees, or any Five
or more of them, upon the Information of One or
more Credible Witness or Witnesses upon Oath;
Which Oath the said Trustees, or any Five or
more of them, are hereby Empowered and Requir-
ed to Administer; And the said Forfeitures and
Penalties before-mentioned, when Recovered, after
Bending the Overplus (if any be) to the Party or
Parties whose Goods or Chattels shall be so Dis-
trained, the Charges of such Distress and Sale be-
ing First Deducted, shall Go to, and be Applied for
and towards Amending the said High-Way Intend-
ed by this Act to be Repaired, in like manner as the
Toll Intended by this Act, is to Go and be Ap-
plied.

XIX. Provided always, That in Case there shall
be more than one Gate or Turn-pike in, Cross,
or on the Side of the said High-Way or Road, be-
tween the said Town of Belfast, in the County of
Antrim, through the Parish of Carnmoney to the Town
of Antrim, and from the Town of Randalstown to the
Ferry of Toom in the said County, No Person or
Persons having Paid the Toll or Duty at the
First Gate or Turn-pike, through which such
Person or Persons shall pass, and Producing a

CHAP. XIII. Note or Ticket, that the said Toll or Duty was Paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis,) shall be Liable to Pay a ny Toll or Duty, at any other of the said Gates or Turn-pikes, upon the said High-Way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the Latter Gate or Turn-pike, the same Day; And no Person or Persons having Occasion to Pass the Place or Places, where the Toll or Duty is Taken, who shall return the same Day, upon, or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaile, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to Pay the said Toll or Duty, more than once, upon the said Road.

XX. And for Preventing Frauds and Abuses in the said Toll or Duty;

XXI. Be it Enacted by the Authority aforesaid, That if any Person or Persons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having such Note or Ticket, Notes or Tickets, as are hereby Required, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or more Witnesses or Witnesse, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace of the County wherein such Offence or Offences shall be Committed, (which Oath the said Trustees, and the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Disposed of by this Act.

XXII. Provided always, and it is hereby Declared, That during the Continuance of this Act, all Coaches, and Passengers on Horseback, shall Pass and Repass Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said County of Antrim, or for any Burgess to Serve in Parliament for any Borough in the said County;

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Any thing herein contained to the contrary notwithstanding.

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XIII.

XXIII. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby Impowered from Time to Time, as they shall see Convenient or think fit to Compound or Agree by the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected by Virtue of this Act, with any Milch Cows, Horse, Mare, or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr, or other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time after such Agreement shall be made.

XXIV. Provided also, and it is hereby Declared, That no Person shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turn-pikes to be Erected by this Act, who shall carry any Quantity of Stones, Gravel, or other Materials for Repairing the said Road, or any of the Roads, in the Parishes in which the same do lye, or in any of the neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggons Laden with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-Ways or Road hereby intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horse, Mare, Gelding, Ass, Mule, or other Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or for such Horse as is, or shall be Used only to Ride on, by the Owner or Driver of any Waggon, Cart or Carriage, Provided, such Horse Pass through the said Turn-pike or Turn-pikes, with such Waggon, Cart, or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers Passing, that are upon their March, or for Waggons, Carts, Carrs, or other Carriages Attending them, or for Horses or Waggons, Carts, Carrs, or other Carriages Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one Part of the Kingdom to another.

XXV. And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted,

CHAP. XIII. shall take Place and have Continuance, from and after the Second Day of June, in the Year of Our Lord, One thousand seven hundred and Forty, and for and During the Term of Forty One Years.

XXVI. Provided Nevertheles, That if at any time before the Expiration of the said Term of Forty One Years, all Parts of the said Road shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Re-payment of such Money as shall have been Advanced, and Borrowed with Interest for the same, and the Costs and Charges hereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

XXVII. And be it further Enacted by the Authority aforesaid, That for the Continuing a sufficient Number of able Persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be lawful to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, from time to time, and at all times hereafter, During the Term aforesaid, to elect, nominate and appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, another fit and able Person, or so many more fit and able Persons Living in the said County of Antrim, to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and are hereby Impowered to Act, to all Intents and Purposes, in as Full, Large, and Ample Manner, as the said Trustees are by this Act Impowered to do; And so to ties quoties, as often as Occasion shall Require.

XXVIII. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall meet at the Town of Antrim, in the County of Antrim, on the first Monday in the Month of May, in the Year of Our Lord, One thousand seven hundred and forty; And the said Trustees shall then adjourn themselves, and afterwards meet there, or at any other Place or Places near

near the said High-way or Road to be Repaired, as the said Trustees, or any five or more of them, shall think proper and convenient, as often as it shall be necessary for Putting this Act in Execution; And if it shall happen, That there shall not appear at any Meeting, which shall be had or held by the said Trustees, a sufficient Number of the Trustees to Act at such Meeting, and to adjourn to any other Day, Then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was last appointed to be had, or at some other convenient House near the said Road, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been Held, and that the said Trustees, at their first Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

XXIX. Provided always, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act a Trustee or Trustees, for Putting this Act in Execution, shall Have or Accept of any Place of Profit, Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted, but such Person or Persons shall be Incapable from the time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

XXX. And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, That in every such Case, the Action shall be laid in the County of Antrim, and not elsewhere; And the Defendant or Defendants in such Action or Actions to be brought may Plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, That then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-Suited or Discontinue his Action after the Defendant or Defendants shall have Appeared, or if upon any Demurrer, Judgment shall be given against the Plaintiff,

CHAP. Plaintiff, the Defendant or Defendants shall and
XIII. may Recover Treble Costs, and have the like Recom-
mendation for the same, as any Defendant or Defendants
hath or have in any other Cases by Law.

XXXI. And be it further Enacted by the Authority
aforesaid, That this Act shall be Deemed, Adjudged,
and Taken to be a Publick Act, and shall be Judi-
cially Taken Notice of as such, by all Judges, Ju-
stices, and other Persons, whatsoever, without spe-
cially Pleading the same.

C H A P. XIV.

An Act for Repairing the Road leading from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Cashell, to the Town of Tipperary, in the County of Tipperary.

WHICH AS the High-Way or Goad leading from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Cashell, to the Town of Tipperary in the County of Tipperary, by Reason of the several Hollow Ways, and of the many and heavy Carriages frequently passing through the same, is become so ruinous and bad, that in Winter Season many Parts thereof are Impassable for Waggoners, Carts, Carrs, and Carriages, and very Dangerous for Travellers, and cannot by the ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended and Kept in Good and Sufficient Repair; Therefore, to the Intent that the said High-way and Goad may with convenient Speed be effectually Amended, and hereafter kept in good and sufficient Repair, so that all Persons may Travel the same with Safety;

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way and Goad, it shall be in the Power of His Grace the most Reverend Theophilus Lord Archbishop of Cashell, the Right Honourable Richard Earl of Cavan, the Right Honourable William Lord Baron Castledurrow, the Right Honourable Sir Thomas Prendergast, Baronet, Sir John Denny-Vesey, Baronet, Sir Robert Mand, Baronet, the Honourable Henry Ponsonby, the Honourable Hayes St. Leger, the Honourable Henry Flower, E-

CHAP. phraim Dawson, William Henry-Dawson, Pole Cosby, Hunt Welsh, John Barrington, Jonah Barrington, Colonel Humphrey XIV. Bland, Nathaniel Mitchell, Thomas Fitzgerald, William Fitzgerald, John Lyon, Bowen Southwell, Warner Westenra, William Wall, of Marphborough, Arthur Brereton, Robert Brereton, Bartholomew-William Gilbert, Edmund Butler, Toby Caulfield, Richard St. George, John Molton, Ephraim Stewart, William Trench, George St. George, Lewis Moore, James Bryan, Thomas Prior, Nehemiah Donnellan, Stephen Moore, Robert Marshal, Robert Holmes, Thomas Armstrong, Richard Pennefather, Henry Pritty, John Piggot, Thomas Piggot, Esquires, William Carr-Buckworth, Matthew Jacob, Junior, Gorges Healy, John Cleare, John Lane, John Dawson, Ambrose Harding, Arthur Blennerhasset, Robert Harding, James Ellard, James Roe, William Chadwick, Periam Poole, of Ballifin, Maurice Cuffe, Skeffington Smith, and Henry Westenra, Esquires, William Dawson, and Samuel Higgins Clerks, John Stewart, John Doxey, William Gray, Edward Gray, Francis Cosby, and Mathew Cassan, Gentlemen, Sir John Osburn, Baronet, John Damer, William Roe, Matthew Jacob Senior, Arthur Burdett, John Cooke, Edward Wilson, Thomas Bunbury, William Penniesather, James Loe, Jonathan Ashe, Hugh Baker, Andrew Roe, Robert Moore, John Roe, Lovelace Taylor, William Barker, Benjamin Bunbury, Daniel Glohan, Edward Moore, Richard Price, Richard Kiffin, Thomas Prince, James Butler, of Ballyragget, and Frederick Trench, Esquires, Captain Abel Warren, Francis Flood, of Tantower, Charles Jackson, and Thomas Bedford Clerks, Richard Hide, Richard Lockwood, and John Grace, Esquires, the Sovereign of Ballynekill for the time being, Robert Lawrenson, Bartholomew Evans, John Ridgway, of Ballycarroll, William Ridgway, of Mountmelick, Joshua Strongman Senior, of Mountmelick, Joshua Strongman, Junior, of Mountmelick, William Jones, William Russel, Andrew Roe Junior, Richard Shaw, John Hoops, Rodolphus Hobbs, Walter Baker, and John Colepoys, Gentlemen, and the Survivors of them be, and are hereby Nominated and Appointed Trustees of the said Road, and they or any Fifteen or more of them, or such Person or Persons as they, or any Fifteen or more of them, shall Authorize and Appoint, shall and may Erect, or Cause to be Erected one or more Gate or Gates, Turn-pike or Turn-pikes in, upon or across any Part or Parts of the said High-Way and Road, and also a Toll-House or Toll-Houses, and there shall Receive and Take the Tolls and Duties following, before any Horse, Mare, Gelding, Cattle, Coach, Beclin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Carr, or other Carriage, shall be Permitted to Pass through the same,

viz.

viz. For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by Six horses, Geldings, or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by any Lesser Number of Horses, Geldings, or Mares, than Six, and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn with Two horses, Geldings, or Mares, Six Pence; For every Waggon, Wain, Cart, or Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, or Geldings, or Oxen, the Sum of Two Shillings and Six Pence; For every Cart, or other Carriage, Drawn with Two Horses, Geldings, or Mares, the Sum of Four Pence; For every Carriage commonly called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Four Pence; For every Carr, or other Carriage, Drawn but by One Horse, Mare, or Gelding, the Sum of Two Pence, excepting Carrs laden with Turf, and for each of them One Penny; And for every Horse, Mare, Gelding, Mule, or Ass, Laden or Unladen, and not Drawing, One Penny; For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any greater or lesser Number; Which said respective Sum and Sums of Money shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is, and shall hereby be vested in the said Trustees; And the same, and every Part thereof, shall be Paid, Applied, and Disposed of, and be Assigned to, and for the several Uses, Intents and Purposes, and in such Manner as is herein after Mentioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals, therunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand Made thereof, Neglect or Refuse to Pay the same, by Distress of any Horse or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon

CHAP. on any of the Goods and Chattels of such Person or Persons, who ought to Pay the same, and may XIV. Detain and Keep the same, until such Toll or Duty, with the Reasonable Charges of such Distrainting and Keeping, shall be Paid: And it shall and may be Lawful, to and for the Person or Persons so Distrainting, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods Distrainted, Returning the Overplus (if any be) upon Demand, to the Owner, after such Toll, Duty, and Reasonable Charges for Distrainting and Keeping the same, shall be Deducted and Paid.

III. And be it further Enacted by the Authority aforesaid, That out of the First Money Arising by the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Five or more of them, shall first Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, and Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and Paid, That then, and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or set up on the Road, leading from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-lon, and from thence through the City of Cashell, to the Town of Tipperary, in the County of Tipperary, shall be applied for and towards the Repair of the said Road only, and not elsewhere.

IV. And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land near unto which any Turn-pike is to be Erected in Pursuance of this Act, shall for Gain, Reward, or otherwise Permit any Person or Persons whatsoever, to Pass through any Gate, Passage, or Way, with any Coach, Berlin, Chariot, Calash, Chaile, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Driving any Horse, Ass, Mule, or any Sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and shall be thereof Convicted, upon Oath by one or more Witnesses or Witnesses before the said Trustees, or any Five or more of them, or before any one or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed

mitted, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees Appointed to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rending the Overplus (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

V. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby Impowered to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-Way or Road, cross any Way or Lane Leading out of the said Road, and to Build a Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same does not Extend to a Double Charge, in case of Passing the same Way through any other of the Turn-pikes, to be Erected by Virtue of this Act, from the Road Leading from Timohoe in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Cashell, to the Town of Tipperary, in the County of Tipperary.

VI. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, at their First Meeting by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint one or more fit Person or Persons, to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty as shall be Due and payable by Virtue of this Act; And also, one or more fit Person or Persons, to be Surveyor or Surveyors, to View the Condition of the said High-Way or Road, and to take care that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duty Applied; And shall and may from time to time, Remove such Collectors, Receivers and Surveyors, or any, or either of them, as they shall see Occasion, and Appoint New ones, in Case of Death, or of such Removal; And such Person or Persons as is, or are Liable by this Act, to Pay the said Toll or Duty, is, and are hereby Required to Pay the same after the Rates aforesaid,

CHAP aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf, from Time to Time Appointed as aforesaid, for Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors as aforesaid, shall, upon Oath (if thereto Required) before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, residing near the High-Way or Road aforesaid, (which Oath such Trustees, or any Five or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer, on the first Tuesday of every Month, or oftner if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands, of all the Money which he and they, and every, or any of them, shall to such Time have Received, Paid and Disbursed by Virtue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall Remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall by any Writing under their Hands and Seals, Authorize and Empower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Way or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, for and in Consideration of his or their Care and Pains, respectively, taken in the Execution of his and their Office and Offices, and to such other Person or Persons, who have been or shall be Assisting in and about Procuring the said High-Ways or Roads to be Amended and Repaired, by Advancing, or Laying out any Money or otherwise Relating thereunto, as to them shall seem Good; So as such Allowance or Allowances to such Collector or Collectors, do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors, any Sum not exceeding Two Shillings and Six-pence a Day, During such time or times as he or they shall be respectively Employed in

in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons, who shall be Employed by Virtue of this Act, does not exceed the Sum of Fifteen Pounds Pearely, to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, That then the Justices of the Peace, at any Special Session or Meeting of them, to be Holden for the County in which the said Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, have Acted and been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Inquiry, and Finally to Determine, of, and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or more Credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer, without Fee or Reward; And if any Person or Persons shall be Convicted thereof, by such Justices, the said Justices shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County, where such Offence shall be Committed, there to Remain without Bail or Mainprize, until he or they shall have made a True and Perfect Account, and Payment as aforesaid.

VII. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall Appoint, to Dig, Raise, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones, or other Materials, out of any Waste or Common of any Parish, Town, Village, or Hamlet, in, or near which any Founderous or Ruinous Places of the said High-way or Road do lie; And for want of sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same, out of the Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without paying any Thing for the same; And where there is not sufficient of such Materials in any Common or Waste Ground, near Adjoining, it shall and may be

CHAP. be Lawful by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same, in the several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard, or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are, or may be Found, and from time to time to Carry away such, and so much thereof as the said Surveyors in their respective Places, shall Judge Necessary for the Amending and Repairing of the said High-way or Road, paying such Rates for such Materials, to the Owner or Occupier of the Ground from whence the same shall be Dugged, Raised, Gathered and Carried away, as the Trustees appointed, or to be Appointed, to put this Act in Execution, shall adjudge Reasonable; And in Case of any Difference between such Owner or Occupier, and the said Trustees, Touching the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal Delivery, to be Holden in the County where such Materials shall be Dugged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same.

VIII. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-way or Road, hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to Cleanse any Ditch or Water-courses adjoining to the said Road, and to Cut Down, Lopp or Copp, any Trees or Bushes growing on the said High-way, or in the Hedges or Banks adjacent to the said High-way, and to Take and Carry away the same, the Occupier Neglecting to Cut Down such Trees or Bushes, or to Remove such other Annoyances, for the space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of five of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if, after Removal of any such Annoyances, any Person or Persons

Persons shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convict upon the Oath of one more Witnes or Witneses, before one or more Justice or Justices of the Peace, of the said Countyp where such Offence shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, the Sum of Ten Shillings, to be Levied in Manner aforesaid.

IX. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, to Make, or Cause to be Made, Cause-ways, and to Cut and Make Drains through any Grounds lyeing Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone, thereupon; And also to Widen any of the Narrow Parts of the said High-way or Road, by Opening, Clearing, and Laying into the said High-way or Road, any Ground of any Person or Persons, lyeing Contiguous to such High-way or Road, not being built upon, and not being a Garden, Orchard, Planted Walk, or Avenue to a House; And also, to Cause Ditches or Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, shall adjudge Necessary, for the better Amending and Keeping the said High-way or Road in good Repair, making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so laid in, or unto the said High-way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby sustain, as shall be Assessed and Adjudged by the next going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes, or Quarter-Sessions, to be Holden for the County in which such Grounds lye, which shall be laid into the said High-way or Road, or through which any such Drain or Drains, Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cause-ways Made, in Case of any Disference concerning the same; And if any Owner or

CHAP. Occupier of any Water-Courses, Ditch or Ditches, adjoyning to the said High-way or Road, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to Make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall adjudge Proper and Convenient, after Eight Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them, to such Owner or Owners, it shall and may be lawful, to and for the Surveyor and Surveyors, to set any Man or Men to work, to Scour or Cleanse and Make the same, and by Warrant under the Hands and Seals of any five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rending the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

X. And in Order to Prevent any Disputes that may arise, touching what Part of the Roads intended to be Repaired by this Act, shall be first Amend-ed and Paid for: It is hereby Declared and Enacted by the Authority aforesaid, That the Trustees Appointed or to be Appointed, to Put this Act in Execu-tion, shall, and they are hereby Authorized and Re-quired to Order and Direct, That the Amending of the said Roads, be first begun from Timohoe, and so to be Continued through the Town of Durrow, in the County of Kilkenny, and from thence onwards to the Bounds of the County of Tipperary, and that the same shall be first Repaired, Amend-ed, Finished and Paid for, before any other Part of the said Roads, shall be begun to be Repaired or Amend-ed.

XI. And whereas the said High-way or Road, lead-ing from Timohoe in the Queen's-County, through Ball-ynekill, Durrow, Beggars Inn, and from thence through the City of Cashell to the Town of Tipperary, in the County of Tipperary, may be Considerably Shorten-ed, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Di-rect Line, where the same is now Crooked; For Re-medy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Straight as aforesaid;

XII. Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said

said Trustees, or any Nine or more of them, to As-
certain, Describe, and Set apart, such a Part and
Proportion of the Lands Adjoyning or Contiguous
to the said High-Way or Road, as they the said
Trustees, or any Nine or more of them, shall Ad-
judge necessary for Carrying the same Straight, and
in a Direct Line; Provided that no Part of the said
Lands so to be Set Apart be Built on, and that the
same be not Part of any Garden, Orchard, Pard,
Planted-Walk, or Avenue to a House, or of a Park,
or Paddock for Deer; And the said Trustees, or a-
ny Nine or more of them, are hereby further Autho-
rized and Impowered to Treat and Agree with the
Owners and others Interested in the said Ground,
to be made use of in Carrying the said Road Straight,
as aforesaid, for such Recompence and Satisfaction
to be made for the same out of the Tolls and Du-
ties arising by Virtue of this Act, as the said
Trustees, or any Nine or more of them, shall think
Fit and Reasonable; And in Case any Person or
Persons shall Neglect or Refuse to Treat or Agree,
as aforesaid, or through any Disability by non Age,
Covverture, or Special Limitation, in any Settle-
ment or Settlements, or by Reason of any other
Impediment cannot, or otherwise howsoever shall
Refuse to Dispose of their respective Interests in
such Land, as the said Trustees, or any Nine or
more of them, shall think Convenient, for the
Shortening of the said Road; In every such Case,
the said Trustees, or any Nine or more of them, are
hereby Authorized and Impowered to Issue forth
their Warrant or Warrants to the Sheriff or
Sheriffs of the County wherein such Ground doth
lye, to Impannel and Return before the said Trus-
tees, or any Nine or more of them, at such Time
and Place, within the said County, as shall be ap-
pointed in such Warrant or Warrants, a sufficient
Jury, who upon their Oaths (which said Oaths,
the said Trustees, or any Nine or more of them,
are hereby Impowered and Required to Administer)
shall Inquire into the True and Real Value of
such Ground to be made Use of for the said High-
Way or Road, and such Verdicts or Inquisitions
as shall be so Found and Returned by the said Ju-
ry, Ascertaining the Value of such Ground, shall be
Final and Conclusive, as well to the said Trustees,
as to the several and respective Owners and Pro-
prietors of such Ground, notwithstanding any such
Disability or Incapacity whatsoever. And foras-
much as the Money so to be Collected, by such Re-
ceipt

CHAP. ceipt of the said Toll, will not at present be suffici-
XIV. ent for the speedy Repairing of the said High-Way
or Road;

XIII. Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof (the Costs and Charges whereof are to be Born and Paid out of such Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so Had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use whatsoever.

XIV. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Fifteen or more of them, from Time to Time, During the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to Pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the Growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall from Time to Time become due, until such Time as the Principal Sum, mentioned in such Warrant or Order, shall be Paid off and Discharged at one Incur Payment: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

XV. And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her, or their Executors, or Administrators, may, by Indorsements on such Orders or Receipts, Transfer their Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which Indorsements,

dorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made in a Book to be Kept for that Purpose, which the said Treasurer or Receiver shall, upon Request without Charge, Fee or Reward, make accordingly, and shall, on the like Request, Permit to be Viewed at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his, her, or their Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; and that the said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

XVI. And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Number till the whole be Arithmetically Numbered.

XVII. And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made payable, over and above what shall be sufficient to discharge the said Interest, and Repair the said Road, shall be Applied in Discharge of the principal Money so Borrowed, in the Manner hereinafter Mentioned, viz. That when, and as often as such Surplus, Received by the said Treasurer or Receiver, shall amount to the Sum of Two Hundred Pounds, then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sums therein contained, to be Written on several Tickets, or Pieces of Parchment, and to be Rolled and Sealed up, and put in a Box or Urn, and well Mixed together, and an indifferent Person to be Appointed by the said Trustees, or any five or more of them, shall publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the said Trustees or Receiver Publickly Advertised in the Dub-

CHAP. lin-Gazette, for that Purpose, at least Twenty Days before, at the Town of Durrow, Draw out of such Box or Urn, as many of the said Tickets, or Pieces of Parchment, as the Sums therein contained shall amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively due, with Interest for the same till Paid, and shall, upon Payment thereof, deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest payable by Virtue of such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets, or Pieces of Parchment.

XVIII. And be it further Enacted by the Authority aforesaid, That every Person Chargeable, by any Law now in being, towards Repairing the said High-way or Road, shall Yearly, During the Continuance of this Act, Do and Perform two Days of that Work, commonly Called The Statute-Work, which is Appointed, by the Laws now in being, for the Amending of the High-ways in this Kingdom, in such Manner, Place and Places, being Part of the High-way hereby intended to be Repaired, and at such time as the Surveyor or Surveyors, to be Appointed by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from time to time, Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors, for the time being, of all and every Parish and Road, intended to be Repaired by this Act, lye, shall, Yearly and ever Year, within Four Days after Request Made to him or them, by the Surveyor or Surveyors for the time being, Appointed by Virtue of this Act, give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, who are by the Laws now in force, Chargeable towards the Repairing the High-

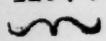
High-Ways of the respective Parishes, and what he or they is or are Chargeable with respectively for and towards the same, to the Surveyor or Surveyors appointed, or to be appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within three Days next after Notice given by the said Surveyor or Surveyors Appointed by this Act, of the time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and upon the said Roads to be Repaired by this Act, either Summon or give publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons Keeping a Team, Cart, Carr or other Carriage, and Chargeable towards the Repairing the High-Ways, as aforesaid, shall neglect or refuse to do and perform the said Two Days Work, in the said High-Way by this Act Intended to be Repaired, after such Summons or Publick Notice Given as aforesaid, he or they respectively, shall Forfeit and Pay the Sum of Five Shillings for each of the Two Days such Person or Persons Keeping a Team, Cart, Carr or other Carriage, shall Make Default; And if any Labourer or other Person, so Chargeable towards the Repairing the High-Ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work, in the said High-Way by this Act Intended to be Repaired, he or they shall respectively Forfeit the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures, by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods or Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of One or more Credible Witness or Witnesses upon Oath; Which Oath the said Trustees, or Five or more of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before-mentioned, when Recovered, after Satisfying the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Dis-

CHAP. trained, the Charges of such Distress and Sale being First Deducted, shall Go to, and be Applied for and towards the Amending the said High-Way Intended by this Act to be Repaired, in like manner as the Toll Intended by this Act, is to Go and be Applied.

XIX. Provided always, That in Case there shall be more than one Gate or Turn-pike in, Cross, or on the Side of the said High-Way or Road, between the said Town of Timohoe, in the Queen's-County, through Ballynekill, Durrow, Beggars-Inn, and from thence through the City of Cashell, to the Town of Tipperary, in the County of Tipperary, No Person or Persons, having Paid the Toll or Duty at the first Gate or Turn-pike, through which such Person or Persons shall pass, and Producing a Note or Ticket, that the said Toll or Duty was Paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis) shall be Liable to Pay any Toll or Duty, at any other of the said Gates or Turn-pikes, upon the said High-Way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the latter Gate or Turn-pike, the same Day; And no Person or Persons having Occasion to Pass the Place or Places, where the Toll or Duty is Taken, who shall Return the same Day, upon, or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaile, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to Pay the said Toll or Duty, more than once, upon the said Road.

XX. And for Preventing Frauds and Abuses in the said Toll or Duty;

XXI. Be it Enacted by the Authority aforesaid, That if any Person or Persons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having such Note or Ticket, Notes or Tickets, as are hereby Required, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted,



victed, upon the Oath of One or more Witnesses or Witnesseſ, before the laid Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace of the County wherein ſuch Offence or Offences ſhall be Committed (which Oath the laid Trustees, and the laid Justice or Justices, are hereby Impowered to Adminiſter) ſhall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Dispoſed of as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Dispoſed of by this Act.

XXII. Provided always, and it is hereby Declared, That during the Continuance of this Act, all Coaches, and Passengers on Horseback, ſhall Paſs and Reſeal Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the ſaid Queen's County, the County of Kilkenny, and the County of Tipperary, or for any Burgess to Serve in Parliament for any Borough in the ſaid Counties; Any thing herein contained to the contrary notwithstanding.

XXIII. And be it further Enacted by the Authority aforesaid, That the laid Trustees, or any Five or more of them, may, and are hereby Impowered from Time to Time, as they ſhall ſee Convenient or think fit to Compound or Agree by the Year or otherwise, with any Person or Persons uſing to Travel through the Turn-pike or Turn-pikes to be Erected by Virtue of this Act, with any Milch Cows, Horse, Mare, or Gelding, Aſs or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr or other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time after ſuch Agreement shall be made.

XXIV. Provided, and it is hereby Declared, That no Person ſhall be charged with any of the Tolls or Duties aforesaid, who ſhall paſs through any of the Turn-pikes to be Erected by this Act, who ſhall carry any Quantity of ſtones, Gravel, or other Materials for Repairing the ſaid Road, or any of the Roads, in the Parishes in which the ſame do lye, or in any of the neighbouring Parishes; Nor ſhall any Person or Persons be Chargeable with the ſaid Toll or Duty for any Carts, Carrs or Waggons Laden with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry,

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Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-Way or Road hereby intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horse, Mare, Gelding, Ass, Mule, or other Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or for such Horse as is, or shall be Used only to Ride on, by the Owner or Driver of any Waggon, Cart or Carriage, Provided, such Horse Pass through the said Turn-pike or Turn-pikes, with such Waggon, Cart, or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers Passing that are upon their March, or for Waggons, Carts, Carrs, or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs, or other Carriages Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one Part of the Kingdom to another.

XXV. And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance, from and after the Second Day of June, in the Year of Our Lord, One thousand seven hundred and Forty, for and During the Term of Forty One Years.

XXVI. Provided Nevertheless, That if at any time before the Expiration of the said Term of Forty One Years, all Parts of the said Road shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Re-payment of such Money as shall have been Advanced, or Borrowed with Interest for the same, and the Costs and Charges thereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

XXVII. And be it further Enacted by the Authority aforesaid, That for the Continuing of a sufficient Number of able Persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be lawful, to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, from time

to time, and at all times hereafter, During the Term aforesaid, to elect, nominate and appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, another fit and able Person, or so many more fit and able Persons Living in the said Counties of Kilkenny, Tipperary, and Queen's-County to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and are hereby Impowered to Act, to all Intents and Purposes, in as Full, Large, and Ample Manner, as the said Trustees are by this Act Impowered to do; And so to-
ties quoties, as often as Occasion shall Require.

XXVIII. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall meet at the Town of Durrow, in the County of Kilkenny, on the last Monday in the Month of April, One thousand seven hundred and forty; And the said Trustees shall then adjourn themselves, and afterwards meet there, or at any other Place or Places near the said Highway or Road to be Repaired, as the said Trustees, or any five or more of them, shall think proper and convenient, as often as it shall be necessary for Putting this Act in Execution; And if it shall happen, That there shall not appear at any Meeting, which shall be had or held by the said Trustees, a sufficient Number of the Trustees to Act at such Meeting, and to adjourn to any other Day, Then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was last appointed to be had, or at some other convenient House near the said Road, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been Held, and that the said Trustees, at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

XXIX. Provided always, And be it further Enacted by the Authority aforesaid, That no Person or Persons

CHAP. Persons Appointed, or to be Appointed by this Act
 XIV. a Trustee or Trustees, for Putting this Act in Execution, shall Have or Accept of any Place of Profit, Arising out of, or by Reason of the Toll or Turnp by this Act Laid or Granted, but such Person or Persons shall be Incapable from the time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

XXX. And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, That in every such Case, the Action shall be laid in the said Counties respectively, and not elsewhere; And the Defendant or Defendants in such Action or Actions to be brought may Plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, That then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-Suited or Discontinue his Action after the Defendant or Defendants shall have Appeared, or if on any Demurrer, Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Recompence for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

XXXI. And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a Publick Act, and be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons, whatsoever, without specially Pleading the same.

C H A P. XV.

An Act for Amending and Repairing the Road,
 Leading from the Town of *Clonmell*, in the
 County of *Tipperary*, through the Towns of
Clogheen, *Mitchelstown*, and to *Doneraile*, in
 the County of *Cork*.

WHICH BE it enacted by the High-Way or Road leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelstown, and to Doneraile, in the County of Cork, by Reason of the several Hollow Ways, and of the many and heavy Carriages frequently Passing through the same, are become so Ruinous and Bad, that in the Winter Season many Parts thereof are Impassable for Waggons, Carts, Carrs, and other Carriages, and very Dangerous for Travellers, and cannot by the ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended and Kept in Good Repair; Wherefore, and to the Intent that the said High-Ways or Roads may be with convenient Speed be effectually Amended, and hereafter kept in good and sufficient Repair, so that all Persons may Travel through the same with Safety;

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way or Road, it shall be in the Power of the Right Honourable James Earl of Barrymore, the Right Honourable Arthur Mohon Lord Viscount Doneraile, the Right Honourable James Lord Baron Kingston, the Right Honourable James Lord Buttevant, the Right Honourable Henry Boyle Esquire, Speaker of the House of Commons, the Right Honourable Sir Thomas Prendergast, Baronet, the Right Honourable Henry Hamilton, Esquire, the Honourable Hayes Saint Leger, Esquire, Sir Charles Moore, Baronet,

CHAP. XV. Baronet, Sir Richard Mead, Baronet, Sir Richard Cox,
 Baronet, Sir Mathew Dean, Baronet, Sir John Freke,
 Baronet, Sir John Osborne, Baronet, Nehemiah
 Donnellan, Esquire, Eaton Stannard, Esquire, Stephen
 Moore, Esquire, Robert Oliver, Esquire, Richard Tonson,
 Esquire, Mathew Dean, Esquire, William Wall of Culene-
 muck, Esquire, Robert Marshall, Esquire, Thomas Evans,
 Esquire, William Carr-Buckworth, Esquire, Richard Ald-
 worth, Esquire, Richard Bettesworth, Esquire, Noblet
 Duncombe, Esquire, John Cleare, Esquire, John Colthurst,
 Esquire, Bellingham Boyle, Esquire, Richard Pennefather,
 Esquire, John Dowson, Esquire, John Lysaght, Esquire,
 Robert Hamerton, Esquire, David Power, Esquire, John
 Love, Esquire, Reverend Dean Meade, Stephen Moor of
 the Barn, Esquire, Thomas Moore, Esquire, Boleyn Bigg,
 Esquire, Ponsonby Newcomen, Esquire, Henry Cavendish,
 Esquire, Thomas Drysdall, Esquire, Thomas Cooke, Esquire,
 Redmond Barry, Esquire, Cornelius Callaghan, Senior,
 Esquire, Robert Callaghan, Esquire, Cornelius Callaghan,
 Junior, Esquire, Jeffery Prendergast, Esquire, John Perry,
 Esquire, William Nash, Esquire, John Seargint, Esquire,
 Edward Bagnal, Esquire, Thomas Callaghan, Esquire,
 George Stannard, Esquire, Lewellin Nash, Esquire, John
 Yeamans, Esquire, Thomas Downing, Esquire, Berthridge
 Badham, Esquire, Arthur Hide, Esquire, Richard Moore,
 Esquire, Devereux Sprat, Esquire, Thomas Chidley, Esquire,
 Arthur Gethings, Esquire, John Watkins, Esquire, Boyle
 Aldworth, Esquire, Arthur Lysaght, Esquire, John Philpot,
 Esquire, John Power, Esquire, John Kane, Esquire,
 William Freeman, Esquire, Richard Newman, Esquire,
 Adam Newman, Esquire, Nicholas Colthurst, Esquire,
 Colthrope Clayton, Esquire, John Colthurst, Junior, Es-
 quire, Robert Bettesworth, Esquire, Henry Wallis, Esquire,
 Nicholas Chinnery, Junior, Esquire, Thomas Holmes-
 Pomeroy, Esquire, William Caulabon, Esquire, Robert
 Sandford, Esquire, Richard Thornhill, Esquire, Belcher
 Pedder, Esquire, John Smith, Esquire, John Welsted,
 Junior, Esquire, John Bond, Esquire, Cornelius Town-
 lendar, Esquire, Horatio Townsend, Esquire, John Copley,
 Esquire, William Johnston, Junior, Esquire, Anthony
 Jephson, Senior, Esquire, Robert Coote, Esquire, Simon
 Davies, Esquire, Thomas Gibbings, Esquire, Thomas
 Moore, Esquire, Edward Thornhill, Esquire, John Welstead,
 Esquire, Doctor John Creagh, Anthony Jephson, Junior,
 Esquire, William Baldwin, Esquire, Peyton Le Hunte,
 Clerk, Simon Forton, Clerk, Thomas Rider, Clerk, Joseph
 Moore, Clerk, Reverend Dean Jemmett Brown, George
 Chinery, Clerk, Arthur Sawyers, Clerk, William Gore,
 Dean of Cashell, Francis Gore, Clerk, John Bagwell,
 Gentle-

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Gentleman, William Bagwell, **Gentleman**, Richard Hutchinson, **Gentleman**, Daniel White, **Gentleman**, Edward Prendergast, **Gentleman**, James Prendergast, **Gentleman**, Hercules Beare, **Senior Gentleman**, William Beare, **Gentleman**, George Markham, **Gentleman**, Thomas Luther, **Gentleman**, William Johnston, **Gentleman**, Henry Beare, **Gentleman**, Michael Webber, **Gentleman**, Terence M^c Gragh, **Gentleman**, Samuel Cearnely, **Gentleman**, Anthony Chearnely, **Gentleman**, Thomas Myles, **Gentleman**, William Squibb, **Gentleman**, William Markham, **Gentleman**, William Bryan of Agherois, **Gentleman**, John Seargin, **Junior Gentleman**, Pierce Gethings, **Gentleman**, Robert Grove, **Gentleman**, Francis Tyrer, **Gentleman**, John Squibb, **Gentleman**, Thomas Burgess, **Gentleman**, John Beare, **Gentleman**, Anthony Welsh, William Langley, **Gentlemen**, Christopher Crofts, **Gentleman**, Andrew Ruddock, **Gentleman**, Abraham Coakley, **Gentleman**, Brewester Fish, **Gentleman**, Richard Purcell, **Gentleman**, Hodder Roberts, **Gentleman**, Michael Roberts, **Gentleman**, John Whyte, **Gentleman**, John Croane, **Gentleman**, Roberts Croane, **Gentleman**, John Purcell, **Junior Gentleman**, John Johnston of Doneraile, **Gentleman**, Mathew Otway, **Gentleman**, George Sawyers, **Gentleman**, James Blackhall of Doneraile, **Gentleman**, George Foot, **Gentleman**, John Massey, **Gentleman**, Samuel Johnston, **Gentleman**, Thomas Wilkinson, **Gentleman**, Thomas Bousfield, **Gentleman**, Robert Fennell, **Gentleman**, Francis Power, **Gentleman**, James Godsell, **Gentleman**, and James Knight, **Gentleman**, who are hereby Nominated and Appointed Trustees of the said Roads, and the Survivors of them, that they or any Fifteen or more of them, or such Person or Persons as they, or any Fifteen or more of them, shall Authorize and Appoint, shall and may Erect, or Cause to be Erected one or more Gate or Gates, Turn-pike or Turn-pikes in, upon or across any Part or Parts of the said High-Ways or Roads, and also a Toll-House or Toll-Houses, and there shall Receive and Take the Tolls and Duties following, before any Horse, Mare, Ass or Mule, Gelding, Cattle, Coach, Berlin, Chariot, Calash, Chaile, Chair, Waggon, Wain, Cart, Carr, or other Carriage, shall be Permitted to Pass through the same, viz. For every Coach, Berlin, Chariot, Calash, Chaile, or Chair, Drawn by Six Horses, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaile, or Chair, Drawn by Four Horses, Geldings, or Mares, the Sum of One Shilling;

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Shilling; For every Coach, Berlin, Chariot, Ca-  
lash, Chaile, or Chair, Drawn by Two Horses, Gel-  
dings, or Mares, the Sum of Six Pence; For every  
Waggon, Wain, Cart, or Carriage with Four Wheels,  
the Sum of One Shilling and Six Pence; For  
every Wain, Cart, or Carriage, with Two Wheels,  
Drawn by One or Two Horses, Mares, Geldings,  
Asses or Mules, the Sum of Four Pence; For every  
Wain, Cart, or Carriage with Two Wheels, drawn  
with three or more Horses, Mares, Geldings, Asses  
or Mules, the Sum of One Shilling; For every  
Carriage commonly called a Chair or Chaile, with  
One Horse, Gelding, or Mare, the Sum of Four Pence;  
For every Carr, or other Carriage, having but One  
Horse, Mare, or Gelding, the Sum of One Penny  
halfpenny; For every Horse, Mare, Gelding, Mule,  
or Ass, Laden or Unladen, and not Drawing the  
Sum of One Penny; save Horses laden with Lime,  
Dung, Sand, or other Manure, which are hereby  
exempted from all Tolls or Duties by this Act  
imposed; For every Drove of Oxen, Cows, or Neat  
Cattle, the Sum of One Shilling and Eight Pence  
per Score, and so in Proportion for any Greater  
or Lesser Number; For every Drove of Calves,  
Hogs, Sheep, or Lambs, Ten Pence per Score, and  
so in Proportion for any greater or lesser Number;  
Which said respective Sum and Sums of Money  
shall be Demanded and Taken in the Name of, or  
as a Toll or Duty, and the Money so to be Paid  
as aforesaid, is, and shall hereby be vested in the  
said Trustees; And the same, and every Part there-  
of, shall be Paid, Applied, Disposed of, and Assign-  
ed to, and for the several Uses, Intents and Pur-  
poses, and in such Manner as is herein after  
Mentioned and Directed; And the said Trustees, or  
any Five or more of them, are hereby Empowered  
by themselves, or any Person or Persons by them,  
or any Five or more of them, under their Hands and  
Seals, thereunto Authorized, to Levy the Toll or  
Duty hereby Required to be Paid, upon any Per-  
son or Persons, who shall, after Demand Made  
thereof, Neglect or Refuse to Pay the same, by Wi-  
thress of any Horse or Horses or other Cattle or  
Goods, upon which such Toll or Duty is by this  
Act Imposed, or upon any other of the Goods and  
Chattels of such Person or Persons, who ought to  
Pay the same, and may Detain and Keep the same,  
until such Toll or Duty, with the Reasonable Char-  
ges of such Distressing and Keeping, shall be Paid;

And

And it shall and may be Lawful, to and for such Person or Persons so Distressing, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods so Distressed, Returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll, Duty, and Reasonable Costs and Charges for Distressing and Keeping the same, shall be Deducted and Paid.

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III. And be it further Enacted by the Authority aforesaid, That out of the First Money Arising from the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Five or more of them, shall first Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, or Building such Toll-House or Toll-houses; And from and after such Charges and Expences shall be fully satisfied and Paid, That then, and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected and set up on the Road, leading from the Town of Clonmel, in the County of Tipperary, through the Towns of Clogheen, Mitchelstown, and to Doneraile, in the County of Cork, shall be applied for and towards the Repair of the said Road only.

IV. Provided also, That a Sum not exceeding Twenty five Pounds shall be Expended or Laid out, in Erecting or Building any Toll-House on the said Road.

V. And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land near unto any Turn-pike to be Erected in Pursuance of this Act, shall for Gain, Reward, or otherwise wittingly or willingly Permit any Person or Persons whatsoever, to Pass through any Gate, Passage, or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or Carriage, or Riding, or Driving any Horse, Ass, Mule, or any Sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and being thereof Convicted, upon Oath before the said Trustees, or any Five or more of them, or before one or more Justice or Justices of the Peace, for the County where such Offence or Offences

CHAP. Shall be Committed (who are hereby Impowered and Required to Administer such Oath) shall Forfeit and Pay to the Trustees Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices of the Peace, Rending the Overplus to the Owner, (if any be) the Charges of Taking and Disposing of the said Goods being first Deducted.

VI. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Five or more of them, to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-Ways or Roads, cross any Lane or Way Leading out of the said Road, and to Build a Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act so as the same do not Extend to a Double Charge, in case of Passing the same Day through any other of the Turn-pikes, to be Erected by Virtue of this Act, from the Road Leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelstown, and to Doneraile, in the County of Cork.

VII. Provided always, That no Gate or Turnpike be put up or Erected, or shall be put up or Erected, at any Place nearer, than One Mile to the said Town of Doneraile.

VIII. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, at their First Meeting, or any Succeeding Meeting by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint one or more fit Person or Persons, to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty as shall be Due and Payable by Virtue of this Act; And also, one or more fit Person or Persons, to be Surveyor or Surveyors to see the Condition of the said High-Way or Road, and to see that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duly Applied; And from time to time, to Remove

Remove such Collectors, Receivers and Surveyors, or any, or either of them, as they shall see Occasion, and to Appoint New ones, in Case of Death, or of such Removal; And such Person or Persons as is, or are by this Act, Liable to Pay the said Toll or Duty, is, and are hereby Required to Pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll and Duty, in that Behalf, from Time to Time Appointed as aforesaid, for Receiving the said Toll and Duty; And all such Surveyors or Surveyors, shall, upon Oath (if thereunto Required) by the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, Residing near the High-Way or Road aforesaid, (which Oath the said Trustees, or any Five or more of them, or such Justice or Justices of the Peace is, and are hereby Impowered and Required to Administer,) on the first Tuesday in every Month, or oftner (if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands, of all Money which he and they, and every, or any of them, shall to such Time have Received, Paid and Disbursed by Virtue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall Remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, as they are Qualified to Act, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Way or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, for and in Consideration of his and their Care and Pains, respectively, taken in the Execution of his and their Office and Offices, and to such other Person or Persons, who have been or shall be Assisting in and about Procuring the said High-Ways and Roads to be Amended

CHAP. XV. mended and Repaired, by Advancing, and laying out any Money or otherwise relating thereto, as to them shall seem Good; So as such Allowance or Allowances to such Collector or Collectors do not Anually exceed in the whole, the Sum of Thiryp Pounds, and to such Surveyor or Surveyors a Sum noe exceeding the Sum of Two Shillings and Six pence per Diem, During such time or times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons, who shall be Employed by Virtue of this Act, does not exceed the Sum of Fifteen Pounds Sterl. Yearly, to each Person. And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Coll or Duty, or any of them, shall not make such Account and Payment unto such Person and Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, That then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be Holden for the County in which the said Receiver or Receivers, Collector or Collectors, have Acted or been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Inquiry, and Finally Determine, of, and Concerning such Default, as well by Confession or Examination upon Oath, of the said Parties themselves, as by the Testimony of One or more Credible Wtnels or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer, without Fee or Reward; And if any Person or Persons shall be Convicted thereof, by such Justices, the said Justices shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County, where such Offence shall be Committed, there to remain without Bail or Mainprize, until he or they shall have made a True and Perfect Account, and Payment as aforesaid.

IX. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, to Dig, Haste, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones, or other Materials, out of any Walk or Common of any Parish, Town, Village,

lage, or Hamlet, in, or near which any dangerous or injurious Places of the said High-ways or Roads do lie; And for want of sufficient Gravel, Furze, Sand, Stones, or other Materials ther, to Dig, Gather, Raise, Take and Carry away the same, out of the Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without paying any Thing for the same; And where there is not sufficient of such Materials in any Common or Waste Grounds near Adjoining, it shall and may be Lawful for them, by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same, in the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard, or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are, or may be Found, and from time to time to Carry away such, and so much thereof as the said Surveyor or Surveyors in their respective Places, shall Adjudge Necessary for the Repairing and Amending of the said High-ways or Roads, paying such Rate for such Materials, and for the Damage to the Owner or Occupier of the Ground from whence the same shall be Dugg, Raised, Gathered and Carried away, as the Trustees appointed, or to be Appointed, to put this Act in Execution, or any Five or more of them shall adjudge Reasonable; And in Case of any Difference between such Owner and Occupier, and the said Trustees, Touching the Value of the Materials and Damage aforesaid, the Judges of Assize or the Justices of the Peace at the next General Assizes and General Goal Delivery, or Quarter-Sessions to be Holden in the County where such Materials shall be Dugg, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same.

X. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances on any of the said High-ways or Roads, hereby Intended to be Repaired, by Removing any Filth, Dung, Ashes, Rubbish, or Water-Courses, adjoining the said Roads, or by Cutting Down, Lopping or Coping, of any Trees or Bushes growing in  
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CHAP. the said High-waps, or in the Hedges or Banks  
 XV. adjacent to the said High-waps, and to Take and Carry away the same, the Owners or Occupiers Neglecting to Cut Down such Trees or Bushes, or to Remove such other Annopances, for the space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of five of the said Trustees, the Charges whereof shall be Imburled the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to Cut down the said Trees or Bushes, or Remove such other Annopances as aforesaid; And if, after Removal of any such Annopances, any Person or Persons shall again Offend in the like Kind, every such Person or Persons so Offending, and being thereof Convicted upon Oath before any one or more Justice or Justices of the Peace, for the said County where such Offence shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, the Sum of Ten Shillings, to be Levied in Manner aforesaid.

XI. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, to Make, or Cause to be Made, Cause-waps, and to Cut and Make Drains through any Grounds Lying Contiguous to the said Roads, and to Erect Arches of Brick, Timber or Stone, thereupon; And also to Widen any of the Narrow Parts of the said High-waps or Roads, by Opening, Clearing, and Laping into the said High-waps or Roads, any Grounds of any Person or Persons, Lying Contiguous to such High-waps or Roads, not being a House, Garden, Orchard, Planted Walk, or Avenue to a House; And also, to Cause Ditches and Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, shall adjudge Necessary, for the better Amending and Keeping the said High-waps and Roads in good Repair, making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so laid in, or unto the said High-waps or Roads, through which any such Drain or Drains shall be Cut, or on which any such Arch or Arch-es

es shall be Made, for the Damages which he or they shall or may thereby sustain, as shall be Assessed and Adjudged by the next going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes, or Quarter Sessions, to be Holden for the County in which such Ground shall be laid into the said High-ways or Roads, or through which any such Drain, Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cause-ways Made, in Case of any Difference concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, adjoyning to the said High-ways or Roads, shall Neglect or Refuse to Scour or Cleanse such Water Courses, and to Make such Ditches so Deep, and in such Manner, as the said Surveyor or Surveyors shall adjudge Proper and Convenient, after Ten Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, to be Appointed or such Person or Persons as shall be appointed by him or them, to such Owner or Owners, it shall and may be lawful, to and for the Surveyor or Surveyors, to set any Man or Men to work, to Scour or Cleanse and Make the same, and by Warrant from any five or more of the said Trustees, to Levy the Charges thereof upon the Persons Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Course, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rending the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

XII. And whereas the said High-way or Road, leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelstown, and to Doneraile in the County of Cork, may be Considerably Shortened, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Straight as aforesaid;

XIII. Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for

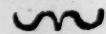
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for the said Trustees, or any Nine or more of them, to Ascertain, Describe, and Set apart, such a Part and Proportion of the Land Adjoining or Contiguous to the said High-Way or Road, not being a Garden, Orchard, Yard, or Meadow, Planted Walk or Walks, or Avenue to a House, as then the said Trustees, or any Nine or more of them, shall judge necessary for Carrying the same Straight, and in a Direct Line; And the said Trustees or any Nine or more of them are hereby further Authorized and Empowered to Treat and Agree with the Owners and others Interested in the said Ground, to be made use of in Carrying the said Road Straight, as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Nine or more of them, shall think fit and reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree, as aforesaid, or through any Disability through age, Coveture, or Special Limitation, in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise howsoever Refuse to Dispose of their respective Interests in such Lands, as the said Trustees, or any Nine or more of them, shall think Convenient, for the Shortening the said Road; In every such Case, the said Trustees, or any Nine or more of them, are hereby Authorized and Empowered to Issue forth their Warrant or Warrants to the Sheriff or Sheriffs of the County where such Ground doth lie, to Impannel and Return before the said Trustees, or any Nine or more of them, at such Time and Place, within the said County, as shall be appointed by such Warrant or Warrants, a sufficient Jury, who upon their Oaths (which Oaths, the said Trustees, or any Nine or more of them, are hereby Empowered and Required to Administer) shall Inquire into the True and Real Value of such Ground to be made Use of for the said High-Way or Road, and such Derricks and Innovations as shall be so found and Required by the said Jury, Ascertaining the Value of such Ground, shall be final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any Disability or Incapacity whatsoever. And so far as the Money so to be Collected, by such Receipt

ceipt of the said Toll, will not at present be sufficient for the speedp Repairing of the said High-Ways or Roads;

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XIV. Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said separate Toll or Duty hereby Granted, or any Part thereof (the Costs and Charges whereof to be Born and Paid out of such separate Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or the Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with the Lawful Interest thereof, or less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use, Intent or Purpose whatsoever.

XV. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Fifteen or more of them, from Time to Time, During the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, thereby Requiring him to Pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators and Assigns, the Growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall from Time to Time become due, until such Time as the Principal Sum, mentioned in such Warrant or Order, shall be Paid off and Discharged: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

XVI. And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her, or their Executors, or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned

CHAP. tioned in such Warrants or Orders; Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and Entry or Memorial thereof made in a Book to be kept for that Purpose, which the said Treasurer or Receiver shall, upon Request without Charge, Fee or Reward, make accordingly, and shall, on Request, Permit the same to be Viewed at Reasonable Hours, without Fee or Reward, shall Entitle the Indorsee or Assignee, his, or her, Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; and that the said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his and her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

XVII. And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Numbers till the whole be Arithmetically Numbered.

XVIII. And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made payable, shall be Applied and Paid to the Discharge of the Interest, of so much Money as shall be Borrowed in Pursuance of this Act, and towards the Repairing the said Roads, and that all the Surplus of the said Tolls and Duties hereby made payable over and above what shall be sufficient to discharge the said Interest, and Repair the said Roads, shall be Applied in Discharge of the principal Money so Borrowed, in the Manner hereinafter Mentioned, viz. That when, and as often as such Surplus, Received by the said Treasurer or Receiver, shall amount to the Sum of Two Hundred Pounds, that then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein contained,

tained, to be Written on several Tickets, or Pieces of Parchment, and to be Hollid and Sealed up, and put into a Box or Urn, and well Mixed together, and an indifferent Person shall publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the said Treasurer or Receiver Publickly Advertised in the Dublin-Gazette, for that Purpose, at least Twenty Days before, at the said Town of Clonmell, in the said County of Tipperary, Draw out of such Box or Urn, as many of the said Tickets, or Pieces of Parchment, as the Sum therein contained shall amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectivelv due, with Interest for the same till Paid, and shall, upon Payment thereof, deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest payable by Virtue of such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets, or Pieces of Parchment.

XIX. And be it further Enacted by the Authority aforesaid, That every Person Chargeable, by any Law now in being, towards Repairing the said High-way or Road, shall Yearly During the Continuance of this Act, Do and Perform two Days of that Work, commonly Called The Statute-Work, which is Appointed by the Law now in being, for the Amendment of the High-ways in this Kingdom, in such Manner, Place and Places, being Part of the High-way hereby intended to be Repaired, and at such time as the Surveyor or Surveyors, to be Appointed by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from time to time, Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors, for the time being, of all and every Parish

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 Parish and Parishes in which the said High-Ways and Roads, intended to be Repaired by this Act, do lyve, shall, yearly and every Year, within Four Days after Request Made to him or them, by the Surveyor or Surveyors for the time being, Appointed by Virtue of this Act, give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, who are by the Laws now in Force, Chargeable towards the Repairing of the High-Ways of the said respective Parishes, and what he or they is or are Chargeable with, respectively for and towards the same, to the Surveyor or Surveyors appointed, or to be appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within three Days next after Notice given by the said Surveyor or Surveyors Appointed by this Act, of the time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and upon the said Road to be Repaired by this Act, either Summons or give publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyor of the said Parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person and Persons keeping a Team, Cart, Carr or other Carriage, and Chargeable towards the Repairing of the High-Ways, as aforesaid, shall neglect or refuse to do and perform the said Two Days Work, in the said High-Way by this Act Intended to be Repaired, after such Summons or Publick Notice shall be given as aforesaid, he, or they respectively, shall Forfeit and Pay the Sum of Five Shillings for each of the said Two Days such Person or Persons keeping a Team, Cart, Carr or other Carriage, shall Make Default; And if any Labourer or other Person, so Chargeable towards Repairing the High-Ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work, in the said High-Way by this Act Intended to be Repaired, he or they shall respectively Forfeit and Pay the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures, by this

this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of One or more Credible Witness or Witnesses upon Oath; Which Oath the said Trustees, or any Five or more of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before-mentioned, when Recovered, after Satisfying the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so Distrained, the Charges of such Distress and Sale being First Deducted, shall Go to, and be Applied for and towards Amending the said High-Way Intended by this Act to be Repaired, in like manner as the Toll Intended by this Act, is to Go and be Applied. And to the End that no Disputes may arise, touching what Part of the Roads intended to be Repaired by this Act, shall be first Amended;

XX. Be it Enacted by the Authority aforesaid, That the Trustees Appointed, or to be Appointed, to Put this Act in Execution, shall, and they are hereby Authorized and Required, to Order and Direct, That the Amending and Repairing of the said Roads, be first begun at the said Town of Clonmell, and so be Continued onward through the Towns of Clogheen, Mitchelstown, and to Doneraile, in the County of Cork.

XXI. Provided always, That in Case there shall be more than one Gate or Turn-pike across, or on the Side of the said High-Ways or Roads, leading from the Town of Clonmell, in the County of Tipperary, through the Towns of Clogheen, Mitchelstown, and to Doneraile, in the County of Cork, No Person or Persons, having Paid the Toll or Duty at the First Gate or Turn-pike, through which such Person or Persons shall pass, and Producing a Note or Ticket, that the said Toll or Duty was Paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis) shall be Liable to Pay any Toll or Duty, at any other of the Gates and Turn-pikes, upon or on the Side of the said High-Way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector

CHAP. XV. for or Collectors of the said Toll or Duty, at the Latter Gate or Turn-pike, the same Day; And no Person or Persons having Occasion to Pass the Place or Places, where the Toll or Duty is Taken, and who shall Return the same Day, upon, or with the same Horse, Mare, Gelding, As, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to Pay the laid Toll or Duty, more than once, on the said Road.

XXII. And for Preventing Frauds and Abuses in the said Toll or Duty;

XXIII. Be it Enacted by the Authority aforesaid, That if any Person or Persons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having such Note or Ticket, Notes or Tickets, as hereby Directed, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon Oath before the said Trustees, or any Five or more of them, or before any One or more Justices or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath the said Trustees, or the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of, as any other Penalty or Forfeiture is directed to be Levied, Recovered, and Disposed of by this Act.

XXIV. Provided always, and it is hereby Declared, That during the Continuance of this Act, all Coaches, and Passengers on Horseback, shall Pass and Repass Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the Counties of Cork and Tipperary, or for any Burgess to Serve in Parliament for any Borough in the said Counties respectively; Any thing herein contained to the contrary notwithstanding.

XXV. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby Impowered from Time

Time to Time, as they shall see Convenient or think fit to Agree or Compound by the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected with any Milch Cows, Horse, Mare, or Gelding, Als or Mule, or with any Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Cart, Carr or other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time after such Agreement shall be made.

XXVI. Provided also, and it is hereby Declared, That no Person shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turn-pikes to be Erected by this Act, who shall carry any Quantities of Stones, Gravel, or other Materials for Repairing of the said Roads, or any of the Roads, in the Parishes in which the same do lye, or in any of the neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggons Loaded with Corn in the Straw only; Nor for any Ploughs, Harrows, or any Implements of Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-Ways or Roads hereby intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horse, Mare, Gelding, Als or Mule, or other Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or of such Horse as is, or shall be Used only to Ride on, by the Owner or the Driver of any Waggon, Cart or Carriage, Provided, such Horse Passes through the said Turn-pike or Turn-pikes, with such Waggon, Cart, or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers Passing, that are upon their March, or for Waggons, Carts, Carrs, or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs, or other Carriages Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one Part of this Kingdom to another.

XXVII. And be it Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance, from and after the Second Day of June, in the Year of Our Lord,

CHAP Lord, One thousand seven hundred and Forty, for  
XV. and During the Term of Forty One Years.

XXVIII. Provided Nevertheless, That if at any time before the Expiration of the said Term of Forty One Years, all Parts of the said Road shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication under their Hands and Seals, that then from and after such Adjudication made, and Repayment of such Money as shall have been Advanced, or Borrowed with Interest for the same, and the Costs and Charges thereof; The Costs and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

XXIX. And be it further Enacted by the Authority aforesaid, That for the Continuing of a sufficient Number of fit and able Persons to be Trustees, for putting this Act in Execution and all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be lawful, to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, by any Writing or Writings, under their Hands and Seals, from time to time, and at all times hereafter, During the Term aforesaid, to elect, nominate and appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, so many more fit and able Person or Persons, Living in the said Counties of Cork and Tipperary, to be Joined with the said Trustees, in the Execution of all and every the Power or Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons so to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to Act, to all Intents and Purposes, in as Full, Large, and Ample Manner, as the said Trustees are by this Act Impowered to do; And so often as occasion shall Require.

XXX. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall meet at the Town of Clogheen,

Clogheen, in the County of Tipperary, on the First Monday in May, in the Year of Our Lord One thousand seven hundred and forty; And the said Trustees shall adjourn themselves, and afterwards meet there, or at any other Place or Places near the said Highways or Roads to be Repaired, as the said Trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for the Putting this Act in Execution; And if it shall happen, That there shall not appear at any Meeting, which shall be Appointed to be had or held by the said Trustees, a sufficient Number of Trustees to Act at such Meeting, and to adjourn to any other Day, Then, and in such Case, the Clerk to the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, where such Number of Trustees shall be wanting, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was last appointed to be had, or at some other convenient House near the said Roads, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been Held, and that the said Trustees, at their First Meeting, and all other Subsequent Meetings, shall Defray their own Charges and Expences.

XXXI. Provided always, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act a Trustee or Trustees, for Putting this Act in Execution, shall Have or Accept of any Place of Profit, Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted, but such Person or Persons shall be Incapable from the time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

XXXII. And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, That in every such Case, the Action shall be laid in the respective Counties of Cork or Tipperary, and not elsewhere; And the Defendant or Defendants in such Action or Actions to be brought may Plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial

CHAP. al to be had thereupon, and that the same was  
done in Pursuance, and by the Authority of this  
**XV.** Act; And if it shall Appear so to be done, or that  
such Action or Actions shall be brought in any  
other Countie, That then the Jury shall Find  
for the Defendant or Defendants, and upon such  
Verdict, or if the Plaintiff shall be Non-Suited or  
Discontinue his Action after the Defendant or  
Defendants shall have Appeared, or if on any  
Demurrer, Judgment shall be given against the  
Plaintiff, the Defendant or Defendants shall and  
may Recover Treble Costs, and have the like Recom-  
pence for the same, as any Defendant or Defendants  
hath or have in any other Cases by Law.

XXXIII. And be it further Enacted by the Authority  
aforesaid, That this Act shall be Deemed, Adjudged,  
and Taken to be a Publick Act, and shall be Judi-  
cially Taken Notice of as such, by all Judges, Ju-  
dices, and other Persons, whatsoever, without spe-  
cially Pleading the same.

## C H A P. XVI.

An Act for Repairing the Road Leading from the Town of *Nenagh*, in the County of *Tipperary*, through the Towns of *Bir* and *Ferbane*, in the Kings-County, to *Curranaboy-Bridge*, on the Turn-pike Road Leading to *Athlone*, in the County of *Westmeath*.

**W**HENCE the High-Way or Road leading from the Town of *Nenagh*, in the County of *Tipperary*, through the Towns of *Bir* and *Ferbane*, in the Kings-County, to *Curranaboy-Bridge*, on the Turn-pike Road Leading to *Athlone*, in the County of *Westmeath*, by Reason of the several Hollow Waps, and of the many and heavy Carriages frequently passing through the same, are become so ruinous and bad, that in Winter Season many Parts thereof are Impassable for Waggons, Carts, Carrs, and Carriages, and very Dangerous for Travellers, and cannot, by the ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended and Kept in Good and Sufficient Repair; Wherefore, and to the Intent that the said High-way or Road may with convenient Speed be effectually Amended, and hereafter kept in good and sufficient Repair, so that all Persons may Travel through the same with Safety;

II. Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way or Road, it shall be in the Power of the Right Honourable Robert Jocelyn, Esquire, Lord Chancellor of Ireland, Sir Thomas Dancer, Baronet, Nehemiah Donnellan, Stephen Allen, Samuel Waller, Esquires, the Reverend Thomas Dawson, Richard Waller, Henry Pritty, Daniel Towler, Freeman Rogers, Esquires,

CHAP. Daniel Rogers, Gentleman, John Harrison, Esquire, Robert  
 Minitt, Gentleman, Lambert Pepper, Esquire, Richmond  
 XVI. Allen, Gentleman, David Malone, Quintin Dick, Redmond  
 Morris, John Morris, James Taylor, Daniel Freeman, Timothy  
 Dalton, Gentlemen, William Carroll, of Tulla, Robert  
 Sadlier, Francis Sadlier, Robert Holmes, Esquires, Peter  
 Dalton, Gentleman, Paul Minchin, Humphry Minchin,  
 Charles Minchin, of Green-Hills, Esquires, Charles Minchin,  
 Junior, William Cliburn, Samuel Barry, Gentlemen,  
 Thomas Towers, Esquire, Thomas Smith, Ralph Smith,  
 George Robinson, Loftus Otway, Charles Towler, Gentlemen,  
 the Reverend Robert Craven, Anthony Carrol, Richard  
 Gason, John Egan, Esquires, John Poe, Richard Poe,  
 Gentlemen, Lord Tullamoor, Bishop of Clonfert, Sir  
 William Parsons, Baronet, Sir Maurice Crosbie, Baronet,  
 Colley Lyons, Esquire, Hugh Henry, Esquire, Anthony  
 Atkinson, Francis Saunderson, Esquires, Trevor Lloyd, and  
 David Power, Esquires, the Reverend Guy Atkinson,  
 Christopher Lloyd, Esquire, James Palmer, Gentleman,  
 William Armstrong, William Vaughan, Richard Newstead,  
 Lawrence Parsons, William Parsons, Pigot Parsons, George  
 Parsons, Thomas Parsons, Esquires, Philip Laughton, Gentle-  
 man, the Reverend George Warburton, Peter Burk,  
 Gentleman, David Fraser, Esquire, the Reverend Mr.  
 Grueber, Schoolmaster of Banagher, Henry Lestrange,  
 Felix Coghlan, Newcomen Lestrange, Richard Malone, Francis  
 Magawly, Peter Judge, Arthur Judge, Robert Lawder,  
 Esquires, George Lawder, Caleb Short, Edmond Armstrong,  
 Galbreth Holmes, Esquires, Henry Holmes, the Reverend  
 Robert Holmes, James Holmes, Archibald Armstrong, Archibald  
 Armstrong, Junior, Gentlemen, Baldwin Crow, Owen  
 Mooney, Wansford Armstrong, Thomas Armstrong, George  
 Fraser, Esquires, the Reverend John Owens, the Re-  
 verend Philip Barret, Philip Armstrong, Richard Armstrong,  
 Henry Palmer, Thomas Palmer, Edmond Burk, Silvester  
 Freeman, Gentlemen, John Eyre, Frederick Trench, William  
 Crosbie, Richard Trench, Michael Moore, Esquires, Garret  
 Moore, Lewis Pritchett, Hugh Coulaghan, John Mooney,  
 Junior, John Mullock, Gentlemen, Thomas Bourk, William  
 Lestrange, Bigoe Henyell, Charles Baggott, Francis Brown,  
 Esquires, Lord Belfield, Arthur Rochford, William Hand-  
 cock, Gustavus Handcock, Charles Lambert, Senior, Charles  
 Lambert, Junior, Anthony Malone, Edmond Malone, Henry  
 Malone, Esquires, Anthony Malone, Junior, Francis  
 Longworth, Joseph Sproule, Gentlemen, the Reverend  
 William Jones, Peter Marsh, Warburton Marsh, Anthony  
 Malone of Gagebourg, Points Judge, William Talbot,  
 Richard Talbot, Esquires, John Coghlan, William Coghlan,  
 Richard Homan, John Briggs, Benjamin Briggs, Gentlemen,  
 Robert

Robert Handcock, Robert Temple, Richard St. George, George St. George, **Esquires, the Reverend Richard Handcock, Sir Redmond Morris, Baronet, and Thomas Cuffe, John Dawson, John Buttler, Ebinezer Low, Richard Low, Barakia Low, Samuel Low, Henry Pilkinton, William Sherlock, Richard Neugent, Judge Rochfort, George Rochfort, William Rochfort, John Handcock, William Gamble, Robert Rochfort, Richard Cuppage, Lancellot Low, Esquires, and George Lennon, Richard Homan, Junior, George Homan, Nathaniel M<sup>c</sup> Kindley, Arthur Gamble, John Robinson, Anthony Robinson, Robert Mullock, George Thomas of Willbrook, Maurice Tyrrell, Duke Tyrrell, Gentlemen, the Reverend Daniel Jackson, the Reverend Michael M<sup>c</sup> Kindley, Anderson Saunders, Francis Cornwall, William Newstead, John White, Joseph Robbins, Samuel Robbins, Esquires, Walter Chamberlin, Clerk, Captain Michael Merritt, Lieutenant Warham St. Leger, Henry Cornwall, John Cornwall, Patrick Wall, Gentlemen, Ensign Zacharias Tiffin, Ensign Robert Newstead, Richard Dardis, John Lockington, Nathaniel Robbins, Michael Merritt, Junior, Samuel Morrison, Allen Cornwall, and George Stoney, Gentlemen, who are hereby Nominated and Appointed Trustees of the said Road, and the Survivors of them, they or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall Authorize and Appoint, shall and may Erect, or Cause to be Erected one or more Gate or Gates, Turn-pike or Turn-pikes in, upon or across any Part or Parts of the said High-Way and Road, and also a Toll-House or Toll-Houses, and there shall Receive and Take the Tolls and Duties following, before any Horse, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calash, Chair, Waggon, Wain, Cart, Carr, or other Carriages, shall be Permitted to Pass through the same, viz. For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by Six Horses, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by any lesser Number of Horses, Geldings, or Mares, than Six, and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn with Two Horses, Geldings, or Mares, Six Pence; For every Waggon, Wain, Cart, or other Carriage with Four Wheels, not Drawing Beams or Gross Timber, the Sum of Ten Shillings; And for every Waggon, Wain, Cart, or other Carriage, Drawing Beams or Gross Timber the Sum of One Shilling; For every Wain, Cart,**

CHAP. Cart, or Carriage with Two Wheels, Drawn by  
 XVI. more than Two Horses, Mares, Geldings, or Oren  
 the Sum of Five Shillings; For every Cart, Carr,  
 or other Carriage Drawn with Two Horses, Geld-  
 ings, or Mares, the Sum of Four Pence; For eve-  
 ry Carriage commonly called a Chair or Chaise, with  
 One Horse, Mare, or Gelding, the Sum of Four Pence;  
 For every Carr, or other Carriage, Drawn but by One  
 Horse, Mare, or Gelding, the Sum of One Penny;  
 Excepting Carrs loaden with Turf, and for each of  
 them One Half-penny; And for any Horse, or o-  
 ther Cattle loaden with Turf, not Drawing, One  
 halfpenny; For every other Horse, Mare, Gelding,  
 Mule, or Als, Loaden or Unloaden, and not Drawing,  
 One Penny; For every Drove of Oren, Cows, or Meat  
 Cattle, the Sum of One Shilling and Eight Pence  
 per Score, and so in Proportion for any Greater or  
 Lesser Number; For every Drove of Calves, Hogs,  
 Sheep, or Lambs, the Sum of Five Pence per Score, and  
 so in Proportion for any greater or lesser Number;  
 Which said respective Sum and Sums of Money  
 shall be Demanded and Taken in the Name of, or  
 as a Toll or Duty, and the Money so to be Col-  
 lected as aforesaid, is, and shall hereby be vested in the  
 said Trustees; And the same, and every Part there-  
 of, shall be Paid, Applied, and Disposed and Assign-  
 ed to, and for the several Uses, Intentions and Pur-  
 poses, and in such Manner as is herein after  
 Mentioned and Directed; And the said Trustees, or  
 any Seven or more of them, are hereby Impowered  
 by themselves, or any Person or Persons by them,  
 or any Seven or more of them, under their Hands and  
 Seals, hereunto Authorized, to Levy the Toll or  
 Duty hereby Required to be Paid, upon any Per-  
 son or Persons, who shall, after Demand Made  
 thereof, Neglect or Refuse to Pay the same, by Di-  
 stress of any Horse or Horses or other Cattle or  
 Goods, upon which such Toll or Duty is by this  
 Act Imposed, or upon any of the Goods and  
 Chattels of such Person or Persons, who ought to  
 Pay the same, and may Detain and Keep the same,  
 till such Toll or Duty, with Reasonable Char-  
 ges of such Distressing and Keeping, shall be Paid;  
 And it shall and may be Lawful, to and for the  
 Person or Persons so Distressing, after the Space of  
 Five Days after such Distress Made and Taken,  
 to Sell the Goods Distressed, Returning the  
 Overplus (if any be) upon Demand, to the Ow-  
 ner thereof, after such Toll, Duty, and Reasonable  
 Charges

Charges for Distressing and Keeping the same, shall  
be Deducted and Paid.

CHAP.  
XVI.

III. And be it further Enacted by the Authority aforesaid, That out of the First Money Arising from the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Seven or more of them, shall first Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, or Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and Paid, That then, and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or set up on the said Road, leading from the Town of Nenagh, in the County of Tipperary, through the Towns of Bir, and Ferbane, in the King's County to Curranaboy-Bridge, on the Turn-pike Road leading to Athlone, in the County of Westmeath, shall be applied for and towards the Repair of the said Road only, and not elsewhere.

IV. And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Lands near unto any Turn-pike to be Erected in Pursuance of this Act, shall for Gain, Reward, or otherwise Permit any Person or Persons whatsoever, to Pass through any Gate, Pallage, or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Wain, Cart, Carr, or other Carriage, or Riding, or Driving any Horse, Mule, Ass, or any other Sort of Cattle, to avoid the Payment of the Toll hereby Appointed to be Paid, and shall be thereof Convicted, upon the Oath of one or more Witnesses or Witnesse, before the said Trustees, or any Seven or more of them, or before one or more Justices or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed (who are hereby Impowered and Required to Administer such Oath) such Person or Persons shall Forfeit and Pay to the Trustees Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Seven or more of them, or such Justice or Justices, rendering the Overplus (if a-

CHAP. **XVI.** np be) to the Owner, the Charges in Taking and Disposing of the said Goods being first Deducted.

V. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Seven or more of them, to Erect One or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High Way or Road, cross any Lane or Way Leading out of the said Road, and to Build one or more Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge, in case of Passing through any of the other Turn-pikes, to be Erected by Virtue of this Act, from the Road Leading from the Town of Nenagh, in the County of Tipperary, through the Towns of Birr, and Ferbane, in the King's County, to Curranaboy-Bridge, on the Turn-pike Road Leading to Athlone, in the County of Westmeath.

VI. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at their First Meeting, or any Succeeding Meeting by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint one Fit Person to be Treasurer, and one Fit Person to be Clerk, and one or more fit Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty as shall be Due and Payable by Virtue of this Act; And also, one or more fit Person or Persons, to be Surveyor or Surveyors, to see the Condition of the said High Way or Road, and to see that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be Duty Applied; And from time to time, to Remove such Treasurer or Clerk, Collectors, Receivers and Surveyors, or any, or either of them, as they shall see Occasion, and Appoint New ones, in Case of Death, or of such Removal; And such Person or Persons as is, or are Liable by this Act, to Pay the said Toll or Duty, is, and are hereby Required to Pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf from Time to Time Appointed as aforesaid, for the Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors as aforesaid, shall, upon Oath if therea  
to

to Required) by the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace, residing near the High-Way or Road aforesaid, (which Oath such Trustees, or any Seven or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer) on the First Tuesday in every Month or oftner (if Required) During the Continuance of this Act, give in a True, Exact, and Perfect Account in Writing under their respective Hands, of all Monies which he and they, and every, or any of them, shall to such Time have Received, Paid and Disbursed by Virtue of this Act, by Reason of their respective Offices; For which Oath, no Fee or Reward shall be Taken; And in Case any Money so Received, shall remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as the said Trustees, or any Seven or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Empower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Way or Road, According to the True Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Seven or more of them, to whom such Account shall be given, shall and may, out of the Money Arising by the said Toll or Duty, make such Allowance to the said Treasurer and Clerk, Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his and their Care and Pains, respectively, taken in the Execution of his and their Office and Offices, as to them shall seem Good; So as such Allowance to such Treasurer does not exceed the Yearly Sum of Thirty Pounds, and that the Allowance to such Clerk does not exceed the Yearly Sum of Fifteen Pounds, and that the Allowance or Allowances to such Collector or Collectors, do not Annually exceed Fifteen Pounds, and to such Surveyor or Surveyors, any Sum not exceeding Two Shillings and Six pence per Day, During such time or times as he or they shall be respectively Employed in the Repair of the said Roads; And in Case the said Treasurer, Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or

CHAP. any Seven or more of them, as aforesaid, That  
 XVI. then the said Justices of the Peace, at any Special  
 Sessions or Meeting of them, to be Holden in the  
 County in which the said Treasurer, Receiver or  
 Receivers, Collector or Collectors, have Acted or  
 been Employed, and made such Default as aforesaid,  
 shall, and are hereby Required and Empower-  
 ed to make Inquiry, and Finally to Determine,  
 of, and Concerning such Default, as well by the  
 Confession of the said Parties themselves, as by  
 the Testimony of One or more Credible Witness-  
 es or Witnesses upon Oath, which Oath they are  
 hereby Empowered and Required to Administer,  
 without Fee or Reward; And if any Person or  
 Persons shall be Convicted thereof, by such Justi-  
 ces, the said Justices shall, upon such Conviction,  
 Commit the Party or Parties to the Common  
 Goal of the County, where such Offence shall  
 be Committed, there to Remain without Bail or  
 Mainprize, until he or they shall have made a True  
 and Perfect Account, and Payment as aforesaid.

VII. And be it Enacted by the Authority a-  
 foresaid, That it shall and may be lawful to and  
 for the said Surveyor or Surveyors, and such Person  
 or Persons as he or they shall Appoint, to Dig,  
 Raise, Gather, Take and Carry away, any Gravel,  
 Furze, Sand, Stones, or other Materials, out of  
 any Waste or Common of any Parish, Town, Vil-  
 lage, or Hamlet, in, or near which any Founderous  
 or Ruinous Places of the said High-way or Road  
 do lie; And for want of sufficient Gravel, Furze,  
 Sand, Stones, or other Materials there, to Dig,  
 Gather, Raise, Take and Carry away the same, out  
 of any Waste or Common of any Neighbouring Pa-  
 rish, Town, Village or Hamlet, without paying  
 any Thing for the same; And where there is not  
 sufficient of any such Materials in any Common or  
 Waste Ground, near Adjoining, it shall and may  
 be Lawful for them, by Order of the said Trustees,  
 or any Seven or more of them, to Dig, Raise and  
 Gather the same, in the several Grounds of any  
 Person or Persons, not being a Garden, Orchard,  
 Yard or Meadow, Planted Walk or Walks, or A-  
 venue to a House, where any such Materials are,  
 or may be Found, and from time to time to Car-  
 ry away such, and so much thereof as the said Sur-  
 eyor or Surveyors shall Adjudge Necessary for the  
 Repairing and Amending the said High-way or  
 Road,

Road, paving such Lane for such Materials, to the Owner or Occupier of the Ground from whence the same shall be Dug, Raised, Gathered and Carried away, as the Trustees appointed, or to be Appointed, to put this Act in Execution, or any Seven or more of them shall adjudge Reasonable; And in Case of any Difference between such Owner or Occupier, and the said Trustees, Touching the Value of the Materials and the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal Delivery to be Holden in the County where such Materials shall be Dug, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same.

VIII. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances in any part of the said High-way or Road, hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, running into the said High-Way or Road, and to Cleanse any Ditch or Water-Courses adjoyning to the said Roads, and to Cut, Lopp, or Copp, any Trees or Bushes growing in the said High-ways, or in the Hedges or Banks adjacent to the said High-ways, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut Down such Trees or Bushes, or to Remove such other Annoyances, for the space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of Seven of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if, after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted upon the Oath of one or more Witness or Witnesses before one or more Justice or Justices of the Peace, for the said County where such Offence shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be

T. 2. Com-

CHAP. Committed, Ten Shillings, to be Levied in Man-  
ner aforesaid.

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IX. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to Make, or Cause to be Made, Causeways, and to Cut and Make Drains through any Grounds Lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone, thereupon; And also Widen any of the Narrow Parts of the said High-way or Road, by Opening, Clearing, and Laying into the said High-way or Road, any Ground of any Person or Persons, Lying Contiguous to such High-way or Road, not being a House, Garden, Orchard, Planted Walk, or Avenue to a House; And also, to Cause Ditches and Trenches to be Made, in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall adjudge Necessary, for the better Amending and Keeping the said High-way or Road in good Repair, making such Reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so laid in, or unto the said High-way or Road, through which any such Drain or Drains shall be so Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby sustain, as shall be Assessed and judged by the next going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes, or Quarter Sessions, to be Holden for the County in which such Ground shall be laid into the said High-way or Road, and through which any such Drain, or Drains, Ditch or Ditches, shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Causeways Made, in Case of any Difference concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, adjoynning to the said High-ways or Roads, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to Make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall adjudge Proper and Convenient, after Ten Days Notice shall be Given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him

him or them, to such Owner or Owners, it shall and may be lawful, to and for the Surveyor or Surveyors, to let any Man or Men to work, to Scour or Cleanse and Make the same, and by Warrant in Writing under the Hands and Seals of any Seven or more of the said Trustees, to Levy the Charge thereof upon the Persons Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rending the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

X. And whereas the said High-way or Road, leading from the said Town of Nenagh, in the County of Tipperary, through the Towns of Birr, and Fertane, in the King's-County, to Curranaboy-Bridge, on the Turnpike-Road Leading to Athlone, in the County of Westmeath, may be Considerably Shortened, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked; For Semedp whereof, and that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Straight as aforesaid;

XI. Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Nine or more of them, to Ascertain, Describe, and Set apart, such Part and Proportion of the Lands Adjoining or Contiguous to the said High-Way or Road, or which otherwise lies most Convenient for Carrying on and Continuing the said High-Way or Road, Straight and in Direct Lines, not being Gardens, Houses, Avenues, Plantations, or Planted Walks, as they the said Trustees, or any Nine or more of them, shall judge necessary for Carrying the same Straight, and in a Direct Line as aforesaid; And the said Trustees or any Nine or more of them are hereby further Authorized and Impowered to Treat and Agree with the Owners and others Interested in the said Ground, to be made use of in Carrying the said Road Straight, as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Nine or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree, as

CHAP. aforesaid, or through any Disability by non Age, Coveture, or Special Limitation, in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise howsoever Refuse to Dispose of their respective Interest in such Lands, as the said Trustees, or any Nine or more of them, shall think Convenient, for the Shortening the said Road; In every such Case, the said Trustees, or any Nine or more of them, are hereby Authorized and Empowered to Issue forth their Warrant or Warrants to the Sheriff or Sheriffs of the County wherein such Ground doth lye, to Impannel and Return before the said Trustees, or any Nine or more of them, at such Time and Place, within the said County, as shall be appointed in such Warrant or Warrants, a sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Nine or more of them, are hereby Empowered and Required to Administer) shall Inquire into the True and Real Value of such Ground to be made Use of for the said High-Way or Road, and such Verdicts or Inquisitions as shall be so Found and Returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any Disability or Incapacity whatsoever. And soasmuch as the Moneys so to be Collected, by such Receipt of the said Toll, will not be at present sufficient for the speedy Repairing of the said High-Way or Road;

XII. Be it further Enacted by the Authority aforesaid. That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Empowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said separate Toll or Duty hereby Granted, or any Part thereof (the Costs and Charges whereof to be Born and Paid out of such separate Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest or less, if the same can be so Had, which said Money Borrowed, shall be Applied and Disposed of as the Toll

Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use, or Purpose whatsoever.

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XIII. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Fifteen or more of them, from Time to Time, During the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, requiring him to Pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the Growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall from Time to Time become due, until such Time as the Principal Sum, mentioned in such Warrant or Order, shall be Paid off and Discharged at one entire Payment: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

XIV. And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her, or their Executors, or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made in a Book to be Kept for that Purpose, which the said Treasurer or Receiver shall, upon Request without Charge, Fee or Reward, make accordingly, and shall, upon the like Request, Permit to be Viewed at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his, or her, Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; and that the said Warrant or Order may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

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XV. And be it further Enacted by the Authority aforesaid, That the Treasurer, or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders, which shall be Given or Delivered out in pursuance of this Act, as they shall be delivered out, Commencing by Number One, and so continuing the Numbers till the whole be Arithmetically Numbered.

XVI. And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made payable, shall be Applied and Paid to the Discharge of the Interest, of so much Money as shall be Borrowed in Pursuance of this Act, and towards Repairing the said Road, and that all the Surplus of the said Tolls and Duties hereby made payable over and above what shall be sufficient to discharge the said Interest, and Repair the said Road, shall be Applied in Discharging of the principal Money so Borrowed, in the Manner hereinafter Mentioned, viz. That when, and as often as such Surplus, Received by the said Treasurer or Receiver, shall amount to the Sum of Two Hundred Pounds, then the said Treasurer or Receiver, shall Cause the Number of all the Warrants, or Orders which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein contained, to be Written on several Tickets, or Pieces of Parchment, and to be Rolled and Sealed up, and put into a Box or Urn, and well Mixed together, and an indifferent Person to be Appointed by the said Trustees, or any Seven or more of them, shall publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the said Treasurer or Receiver Publickly Advertised in the Dublin-Gazette, for the Purpose, at least twenty Days before, at the said Town of Birr, in the King's-County aforesaid, Draw out of such Box or Urn, as many of the said Tickets, or Pieces of Parchment, as the Sums therein contained shall amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn as aforesaid, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively due, with the Interest for the same till Paid, and shall, upon Payment thereof, deliver up

up his and their several and respective Warrants or  
Orders to the said Treasurer or Receiver, to be Can-  
celled, which he is hereby Required to Cancel ac-  
cordingly, and the Interest payable by Virtue of  
such Warrants or Orders, shall Cease from the Ex-  
piration of Twenty Days, to be Accounted from  
the Day of Drawing the said Tickets, or Pieces  
of Parchment.

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XVII. And be it further Enacted by the Authority  
aforesaid, That every Person Chargeable, by any  
Law now in being, towards the Repairing the said  
High-way or Road, shall Yearly During the Con-  
tinuance of this Act, Do and Perform two Days  
of that Work, commonly Called The Statute-Work,  
which is Appointed by the Laws now in being, for  
the Amending of the High-ways in this Kingdom,  
in such Manner, Place and Places, being Part of  
the High-way hereby intended to be Repaired, and  
at such time as the Surveyor or Surveyors, to be  
Appointed by Virtue of this Act, shall, by Writing  
under his or their Hand or Hands, from time to  
time, Order and Direct, and shall not be again Char-  
geable for the same, by any Surveyor or Survey-  
ors of the respective Parishes, or any Person what-  
soever; And also, that the respective Surveyor or  
Surveyors, for the time being, of all and every Pa-  
rish and Parishes in which the said High-ways and  
Roads, intended to be Repaired by this Act, lye, shall,  
Yearly and every Year, within Four Days after  
Request Made to him or them, by the Surveyor or  
Surveyors for the time being, Appointed by Virtue  
of this Act, give a List or an Account in Writing,  
under his or their Hands, of the Name or Names of all  
and every Person or Persons, in the said respective  
Parish or Parishes, who are by the Laws now in  
Force, Chargeable towards the Repairing of the High-  
ways of the said respective Parishes, and what he or  
they is or are Chargeable with, respectively for and to-  
wards the same, to the Surveyor or Surveyors appoin-  
ted, or to be appointed by Virtue of this Act; And that  
the said Surveyor or Surveyors of the said Parishes  
shall, within three Days next after Notice given by the  
said Surveyor or Surveyors Appointed by this Act, of  
the time when, and how many of the said Persons so  
Chargeable as aforesaid, he or they would have to Do  
the said Two Days Work in and upon the said Roads  
to be Repaired by this Act, either Summon or give  
publick Notice thereof to the said Person or Persons so

CHAP. so Chargeable as aforesaid; And if any Surveyors or Surveyors of the said Parishes respectively, shall Neglect or Refuse to Do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons Keeping a Team, Cart, Carr or other Carriage, and Chargeable towards the Repairing the High-Ways, as aforesaid, shall neglect or refuse to do and perform the said Two Days Work, in the said High-Ways by this Act Intended to be Repaired, after such Summons or Publick Notice shall be given as aforesaid, he, or they respectively, shall Forfeit and Pay the Sum of Five Shillings for each of the said Two Days such Person or Persons Keeping a Team, Cart, Carr or other Carriage, shall Make Default; And if any Labourer or other Person, so Chargeable towards Repairing the High-Ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work, in the said High-Ways by this Act Intended to be Repaired, he or they shall respectively Forfeit and Pay the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures, by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Seven or more of them, upon the Information of One or more Credible Witness or Witnesses upon Oath; Which Oath the said Trustees, or any Seven or more of them, are hereby Empowered and Required to Administer; And the said Forfeitures and Penalties before-mentioned, when Recovered, after Satisfying the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Distressed, the Charges of such Distress and Sale being First Deducted, shall Go to, and be Applied for and towards Amending the said High-Ways Intended by this Act to be Repaired, in like manner as the Toll Intended by this Act, is to Go and be Applied.

XIX. Provided always, That in Case there shall be more than one Gate or Turn-pike in, cross, or on the Side of the said High-Ways or Roads, between the said Town of Nenagh, in the County of Tipperary, through the Towns of Birr and Fethard, in the King's

King's-County to Curranaboy-Bridge on the Turnpike Road, Leading to Athlone, in the County of Westmeath, No Person or Persons, having Paid the Toll or Duty at the First Gate or Turnpike, through which such Person or Persons shall pass, and Producing a Note or Ticket, that the said Toll or Duty was Paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give gratis) shall be Liable to Pay any Toll or Duty, at any other of the said Gates or Turnpikes, upon the said High Way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the latter Gate or Turnpike, the same Day; And no Person or Persons having Occasion to Pass the Place or Places, where the Toll or Duty is Taken, who shall Return the same Day, upon, or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to Pay the said Toll or Duty, more than once, on the said Road.

XIX. And for the Preventing Frauds and Abuses in the said Toll or Duty;

XX. Be it Enacted by the Authority aforesaid, That if any Person or Persons, having Paid the Toll or Duty by this Act Granted, and made Payable, and having such Note or Ticket, Notes or Tickets, as is hereby Directed, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or more Witnesses or Witnesses, before the said Trustees, or any Seven or more of them, or before any One or more Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath the said Trustees, and the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of as any other Penalty or Forfeiture is directed to be Levied, Recovered, and Disposed of by this Act.

CHAP. XXI. Provided always, and be it hereby Declared and Enacted by the Authority aforesaid, That during the Continuance of this Act, all Coaches, and Passengers on Horseback, shall Pass and Be-pass toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said Counties of Tipperary, Westmeath, and King's-County, or for any Burgess to Serve in Parliament for any Boroughs in the said Counties respectively; Anything herein contained to the contrary notwithstanding.

XXII. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby Impowered from Time to Time, as they shall see Convenient or think fit to Compound or Agree by the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected with any Milch Cows, Horse, Mare, or Gelding, Ass or Mule, or with any Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Cart, Carr or any other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time after such Agreement shall be made.

XXIII. Provided also, and be it hereby Declared and Enacted by the Authority aforesaid, That no Person shall be charged with any of the Tolls and Duties aforesaid, who shall pass through any of the Turn-pikes to be Erected by this Act, who shall carry any Quantity of Kilkenny Coals, or of Stones, Gravel, or other Materials for Repairing of the said Roads, or any of the Roads, in the Parishes in which the same do lye, or in any of the neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggens Loaded with Corn in the Straw only; Nor for any Ploughs, Harrows, or any Implements of Husbandry, in Order to the Using or Repairing the same, in the several Parishes in which the said High-Ways or Roads hereby intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pike or Turn-pikes to be Erected, for any Horse, Mare or Gelding, Ass or Mule, or other Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or for such Horse as is, or shall be Used only to Ride on, by the Owner or

or Driver of any Waggon, Cart or Carriage, Provided, such Horse Pass through the said Turn-pike or Turn-pikes, with such Waggon, Cart, or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers Passing, that are upon their March, or for Waggons, Carts, Carrs, or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs, or other Carriages Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one Part of the Kingdom to another.

XXIV. And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance, from and after the Second Day of June, in the Year of Our Lord God, One thousand seven hundred and Forty, for and During the Term of Forty One Years.

XXV. Provided Nevertheless, That if at any time before the Expiration of the said Term of Forty One Years, all Parts of the said Roads shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjuration made, and Repayment of such Money as shall have been Advanced, or Borrowed with Interest for the same, and the Costs and Charges thereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

XXVI. And be it further Enacted by the Authority aforesaid, That the said Road or Roads shall be Repaired from the said Town of Nenagh, in the County of Tipperary, through the Towns of Birr and Fermoy, in the King's County, to Curranaboy Bridge, on the Turnpike Road Leading to Athlone, in the County of Westmeath.

XXVII. And be it Enacted by the Authority aforesaid, That for the Continuing a sufficient Number of able Persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, It shall and may be lawful, to add for the said Trustees, or any Seven or more of them, upon the Death of any of the said Trustees, or their Removal, or ceasing to Act in the said Trust, from time to time,

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and at all times hereafter, During the Term aforesaid, to elect, nominate and appoint in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, so many more fit and able Person or Persons, Living in the said Counties of Tipperary, King's County and Westmeath, to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons so to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to Act, to all Intents and Purposes, in as Full, Large, and Ample a Manner, as the said Trustees are by this Act Impowered to do; And so often as Occasion shall Require.

XXVIII. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall meet at the Town of Birr, in the King's County on the First Monday in the Month of May, in the Year of Our Lord, One thousand seven hundred and forty; And the said Trustees shall then adjourn themselves, and afterwards meet there, or at any other Place or Places near the said Highway or Road to be Repaired, as the said Trustees, or any Seven or more of them, shall think proper and convenient, as often as it shall be necessary for the Putting this Act in Execution; And if it shall happen, That there shall not appear at any Meeting, that shall be Appointed to be had or held by the said Trustees, a sufficient Number of Trustees to Act at such Meeting, and to adjourn to any other Day, Then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, where such Number of Trustees shall be wanting, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was last appointed to be held, or at some other convenient House near the said Road, on that Day three Weeks upon which such last Meeting of the said Trustees was Appointed to have been Held, and that the said Trustees, at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

XXIX. Provided always, And be it further Enact- CHAP.
ed by the Authority aforesaid, That no Person or
Persons Appointed, or to be Appointed by this Act
a Trustee or Trustees, for Putting this Act in Ere-
cution, shall Have or Accept of any Place of Profit,
Arising out of, or by Reason of the Toll or Duty
by this Act Laid or Granted, but such Person or
Persons shall be Incapable from the time of Accept-
ing and Continuing to Enjoy such Place of Pro-
fit, of Acting as a Trustee.

XXX. And be it further Enacted by the Authority a-
foresaid, That no such Trustee or Trustees shall, in
his or their own Name, or in the Name or Names
of any other Person or Persons, Undertake or Con-
tract, for the Repair of the said Roads, or any part
of them, whereby any Profit may Arise, to him or
them, but that from such Time he or they shall cease
to be a Trustee or Trustees, and that any Person or
Persons, that shall Undertake or Contract for the Re-
pairing or Amending the said Roads, or any Part
of them, shall if Required, take an Oath before the
said Trustees respectively, or any Seven or more of
them, which Oath they have hereby Power to Ad-
minister, that he or they do Undertake the same, for
his or their own Use, and not for the Use of, or in
Trust for any such Trustee or Trustees whatsoever.

XXXI. And be it further Enacted by the Authority
aforesaid, That if any Suit shall be Commenced
against any Person or Persons, for any Thing done
in Pursuance of this Act, That in ever such Case,
the Action shall be laid in the said Counties of Tipperary,
King's-County or Westmeath, and not elsewhere; And the
Defendant or Defendants in such Action or Actions to be
brought may Plead the General Issue, and give this
Act and the Special Matter in Evidence at any Tri-
al to be had thereupon, and that the same was
done in Pursuance, and by the Authority of this
Act; And if it shall Appear so to be done, or
such Action or Actions shall be brought in any
other County, That then the Jury shall Find
for the Defendant or Defendants, and upon such
Verdict, or, if the Plaintiff shall be Non-Suited or
Discontinue his Action after the Defendant or
Defendants shall have Appeared, or, if on any
Demurrer, Judgment shall be given against the
Plaintiff, the Defendant or Defendants shall and
may

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CHAP. may Recover Treble Costs, and have the like Reme-
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hath or have in any other Cases by Law.

XXXII. And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, No Judge, and Taken to be a Publick Act, and be Judiciallly Taken Notice of as such, by all Judges, Ju-
stices, and other Persons, whatsoever, without spe-
ciallly Pleading the same.

ACTS

With the preceding

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ACTS AND STATUTES, MADE

In a PARLIAMENT begun at Dublin,
the Twenty Eight Day of November, Anno
Dom. 1727. in the First Year of the Reign of
Our Most Gracious Sovereign L O R D,
KING GEORGE II.

B E F O R E

His Excellency John Lord Carteret, Lord Lieutenant, General and General Governor of Ireland.
And continued under His Excellency John Lord Carteret, Lord Lieutenant, General and General Governor of Ireland, by several Prorogations, until the Twenty Third Day of September, 1729.
And further continued under His Grace Lionel Duke of Dorset, Lord Lieutenant, General and General Governor of Ireland, by several Prorogations, until the Fifth Day of October, 1731.
And further continued under His Grace Lionel Duke of Dorset, Lord Lieutenant, General and General Governor of Ireland, by several Prorogations, until the Fifth Day of October, 1733.
And further continued under His Grace Lionel Duke of Dorset, Lord Lieutenant, General and General Governor of Ireland, by several Prorogations, until the Seventh Day of October, 1735.
And further continued under His Grace William Duke of Devonshire, Lord Lieutenant, General and General Governor of Ireland, by several Prorogations, until the Fourth Day of October, 1737.
And further Continued under His Grace William Duke of Devonshire, Lord Lieutenant, General and General Governor of Ireland, by several Prorogations, until the Ninth Day of October, 1739.
And further continued under his Grace William Duke of Devonshire, Lord Lieutenant, General and General Governor of Ireland, by several Prorogations, until the Sixth Day of October, 1741. Being the Eighth Session of this present PARLIAMENT.



D U B L I N :

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